



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 06 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Sokol
President
HAECO Americas Airframe Services
623 Radar Road
Greensboro, North Carolina 27410

Re: Consent Agreement and Final Order - Docket No. RCRA-04-2017-4005(b)
Triad International Maintenance Corporation d/b/a HAECO Americas Airframe Services

Enclosed is a copy of the executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above-referenced matter. Please note that the payment of the civil penalty is due within thirty (30) days of the effective date of the CA/FO, which is the date the CA/FO is filed with the Regional Hearing Clerk.

Thank you for your assistance in resolving this matter. If you have any questions, please feel free to contact me at (404) 562-8590 or by email at lamberth.larry@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

cc: Michael J. Sprague, Associate General Counsel, HAECO Americas

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)
)
Triad International Maintenance Corporation))
623 Radar Road)
Greensboro, North Carolina 27410)
)
Respondent,)
)
d/b/a: HAECO Americas Airframe Services)
102 SE Academic Avenue)
Lake City, Florida 32025-2002)
EPA ID No.: FLD004073177)
)
Facility)
_____)

DOCKET NO.: RCRA-04-2017-4005(b)

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

RECEIVED
2017 MAR -5 PM 4:53
HARRIS COUNTY CLERK

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the regulations promulgated pursuant thereto and set forth at Rule 62-730 *et seq.* of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.) [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] and Fla. Admin. Code Ann. r. 62-730 *et seq.* [40 C.F.R. Parts 260 through 270, 273 and 279].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Triad International Maintenance Corporation, a corporation organized under the laws of Delaware, doing business in the State of Florida (State) under the fictitious name HAECO Americas Airframe Services. Respondent is the owner and operator of an aircraft maintenance and modernization facility, performing work under various government and commercial contracts, located at 102 SE Academic Avenue in Lake City, Florida (the Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the 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 Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722.
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. Florida 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 CA/FO.
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. §§ 261.3(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].
17. 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.
18. 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.”
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes a corporation (including a government corporation).
20. 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.”
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], 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 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)] (hereinafter referred to as the “LQG Permit Exemption”).
22. 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].

23. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) and is a condition of the LQG Permit Exemption, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers and the generator complies with the applicable requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [Subparts I, AA, BB, and CC of 40 C.F.R. Part 265].
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.171] and is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements.
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i)], 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.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2)], 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.
27. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(3)], 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."
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.16(d)(2)] and is a condition of the LQG Permit Exemption, the owner or operator must maintain a written job description, including duties performed, for each position that relates to hazardous waste management.
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31], facilities must be maintained and operated 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.
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)], 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)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).

31. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)], 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 containers of hazardous waste closed when waste is not being added or removed.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii)], 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.
33. Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.9], a “Small Quantity Handler of Universal Waste” (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.
34. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(5) [40 C.F.R. § 273.13(d)(1)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment (i.e., in a container).
35. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(5)(b)1. [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
36. Pursuant to Fla. Admin. Code Ann. r. 62-737.400(7) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.
37. Pursuant to Fla. Admin. Code Ann. r. 62-710.210(2) [40 C.F.R. § 279.1], a “used oil generator” means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.
38. Pursuant to Fla. Admin. Code Ann. r. 62-710.401(6) [40 C.F.R. § 279.22(a)], used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under Fla. Admin. Code Ann. r. 62-730.180(1) or (2) [40 C.F.R. Parts 264 or 265].
39. Pursuant to Fla. Admin. Code Ann. r. 62-710.401(6) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

IV. EPA ALLEGATIONS AND DETERMINATIONS

40. Respondent is a “person” as defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].

41. Respondent is the “owner/operator” of a “facility” located in 102 SE Academic Avenue in Lake City, Florida, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
42. Respondent is a “generator” of “hazardous waste” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10] and Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].
43. The Facility is an aircraft maintenance and modernization facility, performing work under various government and commercial contracts.
44. Respondent, as a result of its practices and operations at the Facility, is a LQG, as that term is defined in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)], at all times relevant to this CA/FO.
45. On May 20, 2016, the EPA and the Florida Department of Environmental Protection (FDEP) conducted a compliance evaluation inspection (CEI) at the Respondent’s Facility. The findings of the CEI were documented in a Report mailed to Respondent, dated November 1, 2016.
46. During the CEI, the EPA and FDEP found that the Respondent had not conducted a waste determination on the waste being collected in a dry vacuum located in the Hangar 8 Composite Shop. The Respondent later conducted a toxicity characteristic leaching procedure analysis on this waste and, based on the results, determined that this waste stream was a characteristic hazardous waste.
47. 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.
48. During the CEI, the EPA and FDEP observed that the Respondent had inappropriately stored the following hazardous waste in open receptacles (i.e. trash cans) which were intended for solid waste, not hazardous waste:
 - a. Hangar 2 – one trash can that contained a waste PS 870 Parts A and B Corrosion Inhibitive Sealant applicator and tube;
 - b. Hangar 4 - one trash can that contained contaminated personal protective equipment (PPE), waste gauze and a paint brush, and a waste plunger;
 - c. Hangar 5 - one trash can that contained contaminated PPE, waste gauze, a used paint brush, a waste plunger, and waste rags;
 - d. Hangar 5 – one trash can that contained waste paint containers, used brushes, and paint contaminated debris;
 - e. Outside Hangar 5, Machine Shop – one trash can that contained a waste sealant applicator; and,
 - f. Hangar 9 – one trash can that contained waste paint contaminated debris.
49. The EPA therefore alleges that 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)], by not complying with Fla. Admin. Code Ann. r. 62-730.180(2) [Subparts I, AA, BB, and CC of 40 C.F.R. Part 265].

50. During the CEI, the EPA and FDEP observed four rusted 55-gallon drums holding hazardous waste that were not in good condition, located in Hangar 9 hazardous waste storage area (HWSA).
51. The EPA therefore alleges that 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)], by not complying with the container management requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.171].
52. During the CEI, the EPA and FDEP observed six containers of hazardous waste that were not closed, including one bag of waste alodine rags and five flip-top containers of waste paint.
53. The EPA therefore alleges that 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)], 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)].
54. During the CEI, the EPA and FDEP observed the following containers of hazardous waste that were not marked with an accumulation start date and not labeled with the words "Hazardous Waste":
 - a. Hangar 9 wastewater treatment plant (WWTP)/HWSA - one bag of waste alodine rags; and
 - b. Hangar 9 HWSA - thirty-eight 55-gallon drums of waste rags.
55. The EPA therefore alleges that 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)].
56. The EPA therefore alleges that 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)].
57. During the CEI, the EPA and FDEP reviewed the position descriptions for the personnel who received annual hazardous waste management training and found that the written job descriptions did not include the duties of facility personnel assigned to each position, such as hazardous waste handling, generation or management.

58. The EPA therefore alleges that 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)], by not complying with the personnel training requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.16(d)(2)].
59. During the CEI, the EPA and FDEP observed the following areas that were not maintained to prevent spills and/or releases of hazardous wastes:
- a. Main HWSA - contaminated vermiculite on the floor;
 - b. Hangar 1 Quality Control (X-ray Lab) - spilled waste fixer on the top of a 55-gallon drum of waste fixer; and,
 - c. Hangar 9 WWTP/HWSA – spilled filter cake sludge on the floor of the WWTP.
60. The EPA therefore alleges that 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)], 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]. ,
61. During the CEI, the EPA and FDEP observed that the Respondent was initially accumulating one 5-gallon satellite container of hazardous waste fixer and one 5-gallon satellite container of hazardous waste lead sheets, both located in the Hangar 1 Quality Control (X-ray Lab), and was moving and emptying the waste containers into two 55-gallon containers that were not at or near the point of generation.
62. The EPA therefore alleges that 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 without having interim status, because Respondent failed to meet a condition of the SAA permit by not complying with the accumulation requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)].
63. During the CEI, the EPA and FDEP observed the following containers of hazardous waste, which were being managed in SAAs, were not kept closed:
- a. Hangar 1 Quality Control (X-ray Lab) – one 5-gallon container of fixer waste and one 5-gallon container of lead sheets;
 - b. Hangar 4 - one 55-gallon drum of solvent “Used Rags”;
 - c. Hangar 5 Machine Shop – one floor vacuum, one wet/dry vacuum, one 5-gallon container of fixer waste and one 5-gallon container of lead sheets;
 - d. Hangar 8 Sheet Metal Shop - one dry vacuum containing dust;
 - e. Hangar 8 Cadmium Plating Shop – one 55-gallon drum of nickel-cadmium debris; and,
 - f. Hangar 8 Composite Shop - one black trash can with a red push top.
64. The EPA therefore alleges that 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) [40 C.F.R. § 262.34(c)(1)(i)], 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)].

65. During the CEI, the EPA and FDEP observed the following containers of hazardous waste, which were being managed in SAAs, that were not marked with the words “Hazardous Waste” or with other words that identify the contents of the containers:
 - a. Hangar 1 Quality Control (X-ray Lab) – one carboy of spent fixer;
 - b. Hangar 4 – One 55-gallon drum of solvent “Used Rags”; and,
 - c. Hangar 5 Machine Shop - one floor vacuum and one wet/dry vacuum.
66. The EPA therefore alleges that 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)].
67. During the CEI, the EPA and FDEP observed the following areas that had universal waste lamps that were not contained, not labeled and not dated:
 - a. Hangar 1 Storeroom - two loose, spent 4-foot fluorescent lamps in a 5-gallon container; and,
 - b. Carpentry Shop – several 4-foot boxes of spent lamps.
68. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-737.400(5) [40 C.F.R. § 273.13(d)(1)], by failing to manage spent universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
69. The EPA therefore alleges that Respondent Fla. Admin. Code Ann. r. 62-737.400(5)(b)1. [40 C.F.R. § 273.14(e)], by failing to label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
70. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-737.400(7) [40 C.F.R. § 273.15(a) and (c)], by failing to demonstrate the length of time that the Facility’s universal waste had been accumulated from the date that the universal waste became a waste or was received.
71. During the CEI, the EPA and FDEP observed that the Respondent failed to store used oil in appropriate storage units by allowing lube leaks to accumulate in catch-pans under machines in the Hangar 5 Machine Shop.
72. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-710.401(6) [40 C.F.R. § 279.22(a)], by storing used oil in units other than tanks, containers, or units subject to regulation under Fla. Admin. Code Ann. r. 62-730.180(1) or (2) [40 C.F.R. Parts 264 or 265].
73. During the CEI, the EPA and FDEP observed in the following areas used oil that was released and not immediately cleaned up and properly managed upon detection:
 - a. Hangar 5 Machine Shop – used oil released to the floor under machines;

- b. Hangar 5 Used Oil Collection Center – used oil released to the floor, to the secondary containment pallet, and to the secondary containment (clam shell);
- c. Hangar 2 Used Oil Collection Center – used oil released to the floor, to the secondary containment pallet, and to the secondary containment (clam shell);
- d. Hangar 1 Used Oil Collection Center – used oil released to the floor; and
- e. Ground Support Equipment Shop – used oil released to the secondary containment (clam shell).

74. The EPA therefore alleges that the Respondent violated Fla. Admin. Code Ann. r. 62-710.401(6) [40 C.F.R. § 279.22(d)], by failing to clean up and properly manage used oil releases upon detection.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

- 75. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
- 76. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
- 77. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
- 78. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
- 79. Respondent 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 EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
- 80. Respondent 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 CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
- 81. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
- 82. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.
- 83. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.

84. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

85. Respondent consents to the payment of a civil penalty in the amount of SIXTY-SEVEN THOUSAND DOLLARS (\$67,000.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.

86. Payment(s) 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. 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

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
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1818

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"

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: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

87. Respondent shall submit a copy of the payment to the following individuals:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Paula A. Whiting
Environmental Engineer
Hazardous Waste Compliance and Enforcement Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

88. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required 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. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. 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 six percent (6%) per annum, which will accrue from the date the penalty payment

became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

89. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

90. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
91. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
92. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

93. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
94. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
95. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

IX. OTHER APPLICABLE LAWS

96. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

97. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Roberto X. Busó
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-8530

98. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

James P. Sokol
President
HAECO Americas Airframe Services
623 Radar Road
Greensboro, North Carolina 27410

with copy to:

Michael J. Sprague
Associate General Counsel
Legal Department
HAECO Americas
623 Radar Road
Greensboro, North Carolina 27410

XI. SEVERABILITY

99. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO 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 CA/FO shall remain in force and shall not be affected thereby.

[SIGNATURES FOLLOW ON NEXT PAGE]

XII. EFFECTIVE DATE

100. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

In the matter of Triad International Maintenance Corporation, d/b/a HAECO Americas Airframe Services, Docket No. RCRA-04-2017-4005(b):

AGREED AND CONSENTED TO:


Triad International Maintenance Corporation, d/b/a HAECO Americas Airframe Services

By: 

James P. Sokol
President
Triad International Maintenance Corporation,
d/b/a HAECO Americas Airframe Services

Dated: 31-MAR-17

United States Environmental Protection Agency

By: 

Larry L. Lamberth, Chief
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Dated: 04/05/17

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

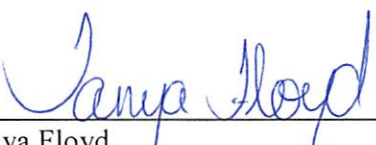
IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2017-4005(b)
)	
Triad International Maintenance Corporation))	
623 Radar Road)	
Greensboro, North Carolina 27410)	
)	
Respondent)	
)	
d/b/a: HAECO Americas Airframe Services))	Proceeding Under Section 3008(a) of the
102 SE Academic Avenue)	Resource Conservation and Recovery Act,
Lake City, Florida 32025-2002)	42 U.S.C. § 6928(a)
EPA ID No.: FLD004073177)	
)	
Facility)	
_____)	

FINAL ORDER

The foregoing Consent Agreement is 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 Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 6th day of April, 2017.

BY:



Tanya Floyd
Regional Judicial Officer
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Triad International Maintenance Corporation, d/b/a HAECO Americas Airframe Services, Docket Number: RCRA-04-2017-4005(b), and have served the parties listed below in the manner indicated:

Roberto X. Busó
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

James P. Sokol
President
HAECO Americas Airframe Services
623 Radar Road
Greensboro, North Carolina 27410

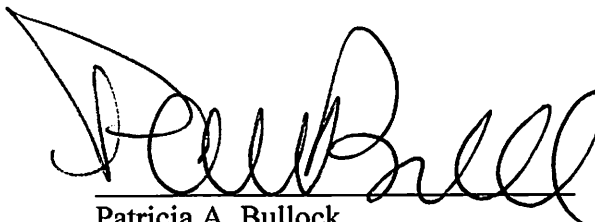
(Via Certified Mail - Return Receipt Requested)

Michael J. Sprague
Associate General Counsel
Legal Department
HAECO Americas
623 Radar Road
Greensboro, North Carolina 27410

(Via Certified Mail - Return Receipt Requested)

Date:

4/6/17



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511