

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

IN THE MATTER OF:

)	Docket No. RCRA-03-2011-0188
U.S. Airways, Inc.)	
Pittsburgh International)	CONSENT AGREEMENT
Airport)	
Pittsburgh, PA 15231)	Proceeding under Sections 3008(a) and
)	(g) of the Resource Conservation and
)	Recovery Act, <i>as amended</i> ,
RESPONDENT)	42 U.S.C. § 6928(a) and (g).
)	

I. PRELIMINARY STATEMENT

1. This Consent Agreement ("CA") is entered into by the Director of the Land and Chemicals Division, United States Environmental Protection Agency, Region III ("Complainant" or "EPA"), and U.S. Airways, Inc. ("U.S. Airways" or "Respondent"), pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Pursuant to § 22.13(b) of the Consolidated Rules of Practice, this CA and the attached Final Order ("FO", hereinafter jointly referred to as the "CA/FO") both commence and conclude the above-captioned administrative proceeding against Respondent, brought under Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g), for alleged violations of RCRA at Respondent's facility at the Pittsburgh International Airport, Pittsburgh, PA 15231 (the "Facility").

2. The Pennsylvania Hazardous Waste Management Regulations ("PaHWMR"), 25 Pa. Code, Chapters 260a - 270a, were authorized by EPA on January 30, 1986 and reauthorized by EPA, effective November 27, 2000 (65 Fed. Reg. 57,734 (September 26, 2000)), effective March 22, 2004 (69 Fed. Reg. 2674 (January 20, 2004)) and effective June 29, 2009 (74 Fed. Reg. 19,453 (April 29, 2009)). The provisions of the authorized PaHWR, through such authorization, have become requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

3. The factual allegations and legal conclusions in this CA are based on provisions of the PaHWR in effect at the time of the violations alleged herein. The PaHWR incorporate, with certain exceptions, federal hazardous waste management regulations that were in effect as of May 1, 1999 (and as of July 6, 1999 for certain regulations regarding

Universal Waste) for the November 27, 2000 PaHWR authorization, June 28, 2001 for the March 22, 2004 PaHWR authorization, and October 12, 2005 for the April 29, 2009 PaHWR authorization. *See* 25 Pa. Code § 260a. 3(e).

4. On July 2, 2010 EPA sent a letter to the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection, giving Pennsylvania prior notice of the initiation of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. This CA is entered into by Complainant and Respondent to address the violations alleged in the Allegations of Fact, as set forth below.
6. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of this CA.
7. For the purposes of this proceeding only, Respondent neither admits nor denies the Allegations of Fact contained in this CA, except as provided in Paragraph 6, above.
8. For the purposes of this proceeding only, Respondent neither admits nor denies the Conclusions of Law contained in this CA, except as provided in Paragraph 6, above.
9. For the purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations herein or to appeal the FO attached hereto.
10. The settlement agreed to by the parties in this CA reflects the desire of the parties to resolve this matter without litigation.
11. Respondent consents to the issuance of this CA and to the attached FO and agrees to comply with their terms. Respondent agrees not to contest Complainant's jurisdiction with respect to the execution of this CA, the issuance of the attached FO, or the enforcement thereof.
12. Each party shall bear its own costs and attorney's fees in connection with this proceeding.

II. ALLEGATIONS OF FACT AND CONCLUSIONS OF LAW

13. This section represents the Allegations of Fact and Conclusions of Law made by Complainant in this matter. As set forth in Paragraphs 7 and 8, above, Respondent neither admits nor denies these Allegations of Fact and Conclusions of Law, but agrees to this settlement to avoid further litigation, as set forth in Paragraph 10, above.
14. Respondent is, and was at the time of the violations alleged herein, a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and as defined in 25 Pa. Code § 260a.10.

15. Respondent is, and was at the time of the violations alleged herein, the “owner” and “operator” of a “facility” located at the Pittsburgh International Airport, Pittsburgh, PA 151231 (the “Facility”), as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, or in 25 Pa. Code § 260a.10.
16. On March 24, 2010, and December 8, 2010, a representative from EPA conducted inspections at the Facility.
17. At the time of the inspections, and at all times relevant to the violations alleged in this CA, Respondent was a “generator,” and was engaged in the “storage” of materials described herein that are “solid wastes” and “hazardous wastes” in “containers” at the Facility, as those terms are defined in 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1 or as defined in 25 Pa. Code § 260a.10. For the purposes of this proceeding, at all times relevant to the violations alleged in this CA, EPA has determined that Respondent was functioning as a small quantity generator within the meaning of 40 C.F.R. § 260.10, as incorporated by reference into 25 Pa. Code § 260a.1, meaning that Respondent generated less than 1,000 kg of hazardous waste in a calendar month. Respondent was also a “small quantity handler” of “universal waste,” specifically “universal waste lamps,” as those terms are defined in 40 C.F.R. § 273.9, which is incorporated by reference in 25 Pa. Code § 266b.1.

COUNT I

(Operating a treatment, storage, or disposal facility without a permit or interim status)

18. The allegations of Paragraphs 1 through 17 of this Consent Agreement are incorporated herein by reference.
19. Pursuant to Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, no person may own or operate a facility for the treatment, storage, or disposal of hazardous waste unless such person has first obtained a permit for the facility or qualifies for interim status for such facility.
20. Respondent has never been issued a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. Part 270, for the storage of hazardous waste at the Facility, and did not have interim status pursuant to Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), or 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.70, at any time.
21. 40 C.F.R. § 262.34(c), as incorporated by reference into 25 Pa. Code § 262a.10, provides in pertinent part that a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any 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 interim status and without complying with the requirements of 40 C.F.R. § 262.34(a), provided that such generator marks the containers of hazardous waste either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

22. 40 C.F.R. § 262.34(d), as incorporated by reference into 25 Pa. Code § 262a.10, provides, in pertinent part, that a small-quantity generator of hazardous waste who accumulates hazardous waste in containers on-site for less than 180 days is exempt from the requirement to obtain a permit for such accumulation, so long as the hazardous waste is stored in accordance with a number of provisions set forth in that section, including, *inter alia*:

- (a) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. § 262.34(a)(2), which provides that the date upon which each period of accumulation of hazardous waste begins must be clearly marked and visible for inspection on each container.
- (b) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. § 262.34(a)(3), which provides that while being accumulated onsite, each container holding hazardous waste must be clearly labeled or marked with the words "Hazardous Waste."
- (c) 40 C.F.R. § 262.34(d)(4), which incorporates by reference 40 C.F.R. Part 265, Subpart I, including 40 C.F.R. § 265.173(a), which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

23. On March 24, 2010, at the time of the Inspection, Respondent was not in compliance with all of the conditions for the "satellite accumulation" of hazardous waste pursuant to 40 C.F.R. § 262.34(c) or for the temporary accumulation of hazardous waste by a small quantity generator pursuant to 40 C.F.R. § 262.34(d), as incorporated by reference into 25 Pa. Code § 262a.10, described in Paragraphs 21 and 22, above, and therefore did not qualify for the exemption from the permitting/interim status requirements provided by such sections. Specifically, Respondent failed to qualify for the exemptions in 40 C.F.R. § 262.34(c) and (d) in the following ways:

- (a) By failing to clearly mark each container of hazardous waste with the date upon which each period of accumulation began, specifically a container of hazardous waste in the Service Support Building, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(d)(4);
- (b) By failing to label each container of hazardous waste with the word "Hazardous Waste," specifically a container of hazardous waste in the Service Support Building, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(d)(4);

- (c) By accumulating hazardous waste in a satellite area that was not under the control of the operator of the process generating the waste, specifically a drum for the accumulation of fiberglass dust outside of Hanger 5, which was also ineligible for the exemption provided in § 262.34(d) because the container was not marked with date upon which each period of accumulation of hazardous waste began, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(c);
- (d) By failing to mark satellite accumulation containers with either with the words "Hazardous Waste" or with other words that identify the contents of the containers, including several 5-gallon containers holding hazardous waste rags, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(c),
- (e) By accumulating greater than 55 gallons of hazardous waste in a satellite accumulation area, which was also ineligible for the exemption provided in § 262.34(d) because the containers in this area were not marked with date upon which each period of accumulation of hazardous waste began in that container, Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(c);
- (f) By failing to keep containers holding hazardous waste closed during storage, including an open drum of spent oxygen generators, a drum of spent power cartridges with a loose lid, containers of photo finishing wastes in the vicinity of the photocopy machines that were open or otherwise unable to be sealed, an open drum of waste glass beads, and a drum with an open funnel collecting corrosive wastes. Respondent failed to satisfy the exemption condition set forth in 40 C.F.R. § 262.34(d)(2).

24. The Facility was, at all times relevant to the violations alleged in this CA, a hazardous waste treatment, storage or disposal "facility," as the term is defined by 25 Pa. Code § 260a.10, with respect to the activities and units described herein.

25. Respondent was required by 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), to obtain a permit for the Facility.

26. On at least March 24, 2010, Respondent stored hazardous waste at the Facility without a permit, interim status or valid exemption, in violation of 25 Pa. Code § 270a.1, which incorporates by reference 40 C.F.R. § 270.1(b), and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

COUNT II

(Failure to keep containers closed except when adding or removing hazardous waste)

27. The allegations of Paragraphs 1 through 26 of this Consent Agreement are incorporated herein by reference.

28. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into 25 Pa. Code § 264a.1, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

29. At the time of the March 24, 2010 inspection, several containers at the Facility holding hazardous waste were open during storage, even though it was not necessary to add or remove waste from these containers at the time of the inspection.

30. On March 24, 2010, Respondent failed to keep containers holding hazardous waste closed during storage at the Facility while it was not necessary to add or remove waste, in violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.173(a).

COUNT III
(Failure to Properly Manage Universal Waste)

31. The allegations of Paragraphs 1 through 30 of this Consent Agreement are incorporated herein by reference.

32. 25 Pa. Code § 266b.1, incorporating 40 C.F.R. § 273.13(d)(1), requires, among other things, that a small quantity handler of universal hazardous waste, including used fluorescent lamps, contain the waste in structurally-sound containers or packages that remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. 25 Pa. Code. § 266b.1, incorporating 40 C.F.R. § 273.14(e), requires that each lamp, or container or package containing such lamps, must be clearly labeled with one of the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

33. At the time of the March 24, 2010 Inspection, a container of universal waste lamps was stored at the Facility in an open cardboard container. This container was not labeled with the phrases "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)."

34. On March 24, 2010, Respondent failed to store universal waste lamps in closed containers with proper labels, in violation of 25 Pa. Code § 266b.1, which incorporates by reference 40 C.F.R. § 273.13(d)(1) and 40 C.F.R. § 272.14(e).

III. CIVIL PENALTY

35. In settlement of EPA's claims for civil monetary penalties assessable for the violations alleged in this CA, Respondent consents to the assessment of a civil penalty in the amount of **THIRTY ONE THOUSAND, SEVEN HUNDRED AND THIRTY SIX DOLLARS (\$31,736)**, which Respondent agrees to pay in accordance with the terms set forth below. Such civil penalty amount shall become due and payable immediately upon

Respondent's receipt of a true and correct copy of this CA/FO, fully executed by the parties, signed by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. In order to avoid the assessment of interest in connection with such civil penalty as described in this CA/FO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the date on which a copy of this CA/FO is mailed or hand-delivered to Respondent.

36. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of the violations and good faith efforts of the Respondent to comply, as provided for in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

37. Payment of the civil penalty amount set forth in paragraph 35, above, shall be made by cashier's check, certified check, electronic wire transfer, or online via credit or debit card in the following manner:

(a) All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2011-0188;

(b) All checks shall be made payable to **United States Treasury**;

(c) All payments made by check and sent by regular mail shall be addressed to:

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

Contact: Craig Steffen, 513-487-2091 or Eric Volck 513-487-2105

(d) All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028

- (e) All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 680107027 Environmental Protection Agency

- (f) All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid 202-874-7026 or REX 1-866-234-5681

- (g) All on-line payments with a debit or credit card:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

38. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/payment_instructions.htm

39. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Jessica O'Neill
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

40. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

41. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a true and correct copy of this signed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

42. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

43. A late payment penalty of six percent (6%) per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). The late payment penalty on any portion of the civil penalty that remains delinquent for more than ninety days shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

IV. COMPLIANCE ORDER

44. Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to perform the following compliance tasks immediately upon the effective date of this Compliance Order, except as otherwise expressly provided:

(a) Manage hazardous waste at the Facility in accordance with either (i) a permit or interim status obtained pursuant to RCRA Section 3005, 42 U.S.C. § 6925, and 25 Pa. Code § 270a., (ii) in accordance with the applicable generator accumulation requirements of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34, or (iii) in accordance with another valid exception from the requirement to have a permit or interim status as applicable. In the case of clause (ii), the applicable generator accumulation requirements of 25 Pa. Code § 262a.10 include without limitations the following provisions to the extent applicable to respondent's operations:

- (1) 40 C.F.R. § 262.34(a)(2), incorporated by reference into 40 C.F.R. § 262.34(d)(4), which provides that the date upon which each period of accumulation of hazardous waste begins must be clearly marked and visible for inspection on each container; and
- (2) 40 C.F.R. § 262.34(a)(3), incorporated by reference into 40 C.F.R. § 262.34(d)(4), which provides that while being accumulated onsite, each container holding hazardous waste must be clearly labeled or marked with the words "Hazardous Waste"; and
- (3) 40 C.F.R. § 265.173(a), incorporated by reference into 40 C.F.R. § 262.34(d)(4), which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste; and
- (4) 40 C.F.R. § 262.34(c), which provides the requirements for the satellite accumulation of hazardous waste.

(b) Properly manage universal waste lamps, as required by 25 Pa. Code §266b.1, which incorporates by reference 40 C.F.R. Part 273.

45. Within sixty (60) days after the effective date of this Compliance Order, submit to EPA a certification in the form set forth in Paragraph 47, below, by a responsible corporate officer, certifying whether or not the requirements of Paragraph 44 of this CA have been completed by Respondent.

46 Information or documents required to be submitted to EPA under this Compliance Order shall be sent to:

Clark Conover (3LC70)
Environmental Scientist
Office of Land Enforcement
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029;

and

Jessica O'Neill (3RC30)
Assistant Regional Counsel
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

47 Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Compliance Order which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or non-compliance with any requirements of this Compliance Order shall be certified by a responsible corporate officer of the Respondent. A responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

The certification of the responsible corporate officer required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure the qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

V. OTHER APPLICABLE LAWS

48. Nothing in this CA/FO shall relieve Respondent of any duties or obligations otherwise imposed upon it by applicable Federal, State or local laws or regulations.

VI. RESERVATION OF RIGHTS

49. This CA/FO resolves only EPA's claims for civil penalties for the specific violations of RCRA Subtitle C which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in § 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO.

VII. FULL AND FINAL SATISFACTION

50. This settlement shall constitute full and final satisfaction of Complainant's claims for civil penalties for the specific violations set forth in the CA/FO.

VIII. PARTIES BOUND

51. This CA/FO shall apply to and be binding upon EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. By his/her signature below, the

person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized to enter into this Agreement on behalf of Respondent and to bind Respondent to the terms and conditions of this CA/FO.

IX. EFFECTIVE DATE

52. The effective date of this CA/FO is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or his designee, is filed with the Regional Hearing Clerk.


X. ENTIRE AGREEMENT

53. This CA/FO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CA/FO.

For the Respondent:

U.S. Airways, Inc.

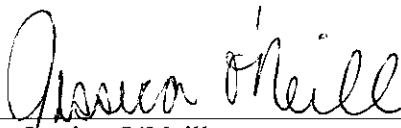
Date: JUN 17 2011

By: 
Name Howard Kass
Title VP, Legal and Government Affairs

For the Complainant:

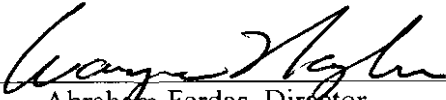
U.S. Environmental Protection Agency, Region III

Date: 6/22/2011

By: 
Jessica O'Neill
Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of the U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 6/24/11

By: 
Abraham Ferdas, Director
Land and Chemicals Division

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

IN THE MATTER OF:

U.S. Airways, Inc.
Pittsburgh International
Airport
Pittsburgh, PA 15231

RESPONDENT

) Docket No. RCRA-03-2011-0188
)
) FINAL ORDER
)
) Proceeding under Sections 3008(a) and
) (g) of the Resource Conservation and
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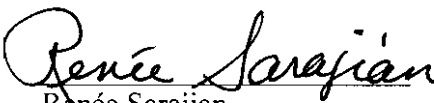
FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, U.S. Airways, Inc., have executed a document entitled "Consent Agreement" which I ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are incorporated herein by reference.

NOW, THEREFORE, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and based upon the representations of the parties set forth in the Consent Agreement that the civil penalty amount agreed to by the parties in settlement of the above-captioned matter is based upon a consideration of the factors set forth in RCRA Section 3008(a)(3), 42 U.S.C. § 6928(a)(3), IT IS HEREBY ORDERED THAT Respondent shall pay a civil penalty in the amount of **THIRTY ONE THOUSAND, SEVEN HUNDRED AND THIRTY SIX DOLLARS (\$31,736)**, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order is filed with the Regional Hearing Clerk of U.S. EPA, Region III.

Date: 6/28/11

By: 
Renée Sarajian
Regional Judicial Officer

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, PA 19103-2029

IN THE MATTER OF:

U.S. Airways, Inc.
Pittsburgh International
Airport
Pittsburgh, PA 15231

RESPONDENT

) Docket No. RCRA-03-2011-0188
)
) CERTIFICATE OF SERVICE
)
) Proceeding under Sections 3008(a) and (g)
) of the Resource Conservation and
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) 6928(a) and (g).

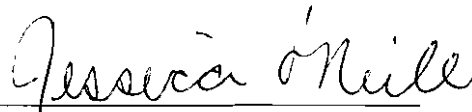
I certify that on the date noted below, I sent by Overnight Delivery Service, a copy of the Consent Agreement and Final Order, In the Matter of: U.S. Airways, U.S. EPA Docket Number RCRA-03-2011-0188, to the persons and addresses listed below.

Christopher Julius
Director & Assistant General Counsel
US Airways, Inc.
Office of Legal Affairs
1401 H Street, NW, Suite 1075
Washington, DC 20005

Heather McBurney
U.S. Airways, Inc.
P.O. Box 12346
Pittsburgh, PA 15231

The original Consent Agreement and Final Order, plus one copy, were hand-delivered to the Regional Hearing Clerk, U.S. EPA Region III.

6/28/11
DATE



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