

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Steven C. Schlang 3/2/11
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number RCRA-01-2010-0039

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Oxford Aviation, Incorporated
75 Number Six Road
Oxford, ME 04270

Total Dollar Amount of Receivable \$ 5,000 Due Date: 3/30/11

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1ST \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office Phone Number

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square Suite 100
Boston, MA 02109

Steven C. Schlang
Enforcement Counsel
617-918-1773 (phone)
617-918-1809 (fax)

RECEIVED
MAR 01 2010
EPA ORC WS
Office of Regional Hearing Clerk

March 1, 2011

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1
5 Post Office Square
Mail Code – ORA18-1
Boston, Massachusetts 02109-3912

Re: In the Matter of: Oxford Aviation, Incorporated
Docket Number: RCRA-01-2010-0039

Dear Ms. Santiago,

Please find enclosed for filing an original and one copy of the Consent Agreement and Final Order, regarding the above-matter.

Please do not hesitate to contact me should you have any questions regarding the enclosed.

Sincerely,



Steven C. Schlang

cc: Jim Horowitz, President

In the Matter of: Oxford Aviation, Incorporated
Docket Number RCRA-01-2010-0039

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and one copy
hand delivered:

Wanda Santiago
Regional Hearing Clerk (RAA)
U.S. EPA, Region I
Mailcode - ORA18-1
5 Post Office Square
Boston, MA 02114-2023

Copy by Certified Mail-
Return Receipt Requested

Jim Horowitz, President
Oxford Aviation, Incorporated
75 Number 6 Road
Oxford, ME 04270

Date: 3/11/11


Steven C. Schlang
Office of Environmental Stewardship U.S.
Environmental Protection Agency
Region I
Five Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3219
tel: (617) 918-1773
fax: (617) 918-0773

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

RECEIVED
MAR 01 2010
EPA ORC
Office of Regional Hearing Clerk

In the Matter of:)

Oxford Aviation, Incorporated)
75 Number Six Road)
Oxford, ME 04270,)
Respondent)

EPA I.D. No. MED985471911)

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

EPA Docket Number

RCRA-01-2010-0039

CONSENT AGREEMENT AND
FINAL ORDER

Complainant, United States Environmental Protection Agency, Region 1 ("EPA"), having filed a civil administrative Complaint on September 27, 2010, against Respondent, Oxford Aviation, Incorporated ("Respondent" or "Oxford"); and,

Complainant and Respondent (the "Parties") having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of settling this matter;

NOW THEREFORE, before the taking of any testimony, without any adjudication of issues of law or fact herein, and upon consent and agreement of the Parties it is hereby ordered and adjudged as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to

Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 , by filing the above-mentioned Complaint.

2. The Complaint alleges that Respondent violated Subtitle C of RCRA, Section 3002 of RCRA, 42 U.S.C. § 6922, 40 C.F.R. Part 262, Chapter 13 of Title 38 of the Maine Revised Statutes and the regulations promulgated thereunder at Chapter 850 et seq. (the "Maine Rules"), with respect to the Respondent's facility located at 75 Number Six Road, Oxford, Maine ("Facility").

3. Based upon observations made during an EPA inspection on September 15, 2009, the Complaint specifically alleges that Respondent failed to: (1) conduct a hazardous waste determination; (2) obtain a written tank integrity assessment of a tank holding hazardous waste; (3) ensure that all employees with hazardous waste management responsibilities are adequately trained in hazardous waste management; (4) maintain a complete personnel training plan; (5) conduct and document daily inspections of hazardous waste containers; (6) mark containers of hazardous waste with the words "hazardous waste" and a description of the contents; (7) mark containers of hazardous waste with the date of accumulation; (8) maintain a complete hazardous waste contingency plan; (9) keep containers of hazardous waste closed during storage; and, (10) minimize the potential for a release of hazardous waste.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted.

Respondent waives any defenses it might have as to jurisdiction and venue.

5. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order accompanying this Consent Agreement.

6. This CAFO shall apply to and be binding upon Oxford, its officers, directors, agents, successors and assigns.

II. TERMS OF SETTLEMENT

7. Oxford hereby certifies that the Facility is in compliance with RCRA, the federal regulations promulgated thereunder, Chapter 13 of Title 38 of the Maine Revised Statutes and the Maine Rules at the Facility.

8. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), in light of the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is \$5000.

9. Without admitting or denying the factual and legal allegations in the Complaint, Respondent consents to the issuance of this CAFO and consents to the payment of the civil penalty cited in the foregoing paragraph.

10. Oxford shall pay the penalty of \$5000 within thirty (30) days of the effective date of the Final Order. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

11. Payment of the civil penalty, and any interest thereon, shall be made by certified

or cashier's check payable to the "Treasurer, United States of America," including a notation of the case name and docket number. Respondent shall send this check to:

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

and shall provide copies of the check to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1
Mailcode - ORA18-1
Five Post Office Square, Suite 100
Boston, MA 02109-3912

and

Steven C. Schlang, Esq.
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1
Mailcode - OES04-4
5 Post Office Square, Suite 100
Boston, MA 02109-3912

12. Failure by Respondent to pay the penalty (\$5000) in full by the due date shall subject the Respondent to a penalty of \$200 per day ("nonpayment penalty") until the full penalty amount, plus interest at current prevailing rates from the effective date of this CAFO, is received by EPA.

13. Pursuant to 31 U.S.C. § 3717, 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 a

delinquent claim. Interest will therefore begin to accrue on a civil or nonpayment 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 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. See 31 C.F.R. § 901.9(d).

14. The civil penalty due, and any interest, non-payment penalties or charges that arise pursuant to this CAFO shall represent penalties assessed by EPA and shall not be deductible for purposes of Federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Section 1.162-21 of the Internal Revenue Code, 26 U.S.C. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state or local law.

15. This CAFO constitutes a settlement by EPA of the claims set forth in the EPA complaint for civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of Respondent. Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged in the EPA Complaint and subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Nothing in this Consent Agreement shall

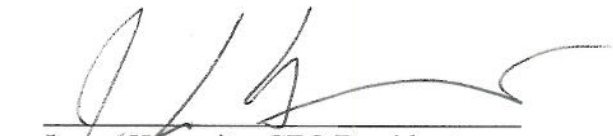
be construed as limiting the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

16. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

17. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

18. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding, and hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in this Consent Agreement.

For Respondent:

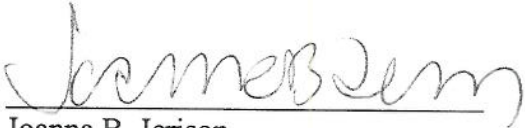


James Horowitz, CEO/President
Oxford Aviation, Incorporated

Date: 2-9-11

In the Matter of Oxford Aviation, Incorporated
Docket No. RCRA-01-2010-0039

For EPA:

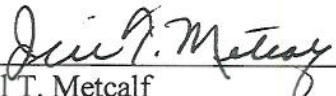


Joanna B. Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA-Region 1

Date: 2/18/11

ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. Oxford Aviation, Incorporated is hereby ordered to comply with the terms of the above Consent Agreement, which is effective when it is filed with the Regional Hearing Clerk.



Jill T. Metcalf
Acting Regional Judicial Officer
U.S. EPA, Region I



Date