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Aviation/RCRA Enforcement: U.S. Environmental Protection Agency and Greenville, South Carolina Fixed Base Operator ("FBO") Facility Enter Consent Agreement to Address Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

03/03/2016

The United States Environmental Protection Agency ("EPA") and Stevens Aviation, Inc. ("SA") have entered into a February 25th Consent Agreement ("CA") addressing alleged Resource Conservation and Recovery Act ("RCRA") violations.

SA is stated to be an owner and operator of a full service fixed base operator ("FBO") facility at the Greenville, South Carolina Greenville/Spartanburg Airport offering maintenance, avionics, completions, sales and FBO services.

The CA describes the SA facility as a RCRA Large Quantity Generator of hazardous waste as well as a Small Quantity Handler of Universal Waste. The hazardous waste managed at the SA facility is stated to be primarily generated from aircraft stripping and painting activities. Universal hazardous waste managed at the facility is stated to include compact fluorescent and metal halide universal hazardous waste bulbs.

EPA and the South Carolina Department of Health and Environmental Control conducted a RCRA compliance evaluation inspection ("CEI") at the facility on April 2, 2015. The findings of the inspection were provided to SA.

The CEI allegedly identified violations which were described as:

- ... inspectors observed that a 55-gallon drum, having already become so severely rusted that openings were visible along the rim when the drum rim was fastened, was positioned beneath the wastewater treatment system filter press and was being used to accumulate a D006/D007 characteristic, and F019 listed, hazardous waste sludge.
- The CA alleges that SA stored hazardous waste without a permit or interim status because Stevens, having allowed a D006/D007 characteristic, and F019 listed, hazardous waste to remain in a container that was not in a good condition, failed to meet the requirements for qualifying for the SAA Permit Exemption.

- The CA alleges a violation for storing hazardous waste without a permit or interim status because SA having allowed a container of D006/D007 characteristic, and F019 listed, hazardous waste to remain open during storage, failed to meet the requirements for qualifying for the SAA Permit Exemption.
- ... inspectors observed that D006/D007 characteristic, and F019 listed, hazardous waste sludge, having been generated by operation of the wastewater treatment system filter press was being stored in a 55-gallon drum, having neither labels nor an accumulation start date that had not been relocated from the wastewater treatment system room to the facility's less-than 90-day hazardous waste storage area.
- The CA alleges that this constitutes storing hazardous waste without a permit or interim status because SA failed to mark its containers with the word "Hazardous Waste" or similar words failed to meet the requirements for qualifying for the SAA Permit Exemption.
- ... inspectors observed that an assortment of compact fluorescent and metal halide universal waste lamps had been accumulated in the corner of the less-than 90-day hazardous waste storage area near the door and some of the accumulated lamps were stored in cardboard boxes (although others were not) and some cardboard boxes were labeled and some were dated.
- The CA alleges that this constitutes a failure to contain any lamp in closed containers or packages that are structurally sound, adequate to prevent breakage, compatible with the contents of the lamps, in which lack evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable conditions.
- The CA alleges this is a failure to label or clearly mark each lamp or container or package containing such lamp with one of the required phrases: "Universal Waste Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"
- ... inspectors determined that aircraft painting bay air filters are changed out based on pressure drop readings through the filters, and that while waste air intake filters are managed and disposed of as solid waste, waste exhaust air filters were managed and disposed as a hazardous waste, having EPA hazardous waste codes D001, D006, D007, F002, and F005 and the inspectors observed that hazardous waste aircraft painting bay exhaust filters generated at the aircraft painting area were accumulating in a Gaylord box inside the stripping Bay 2.
- The CA alleges this constituted the accumulation of hazardous waste exhaust air filters, having hazardous waste codes D001, D006, D007, F002, and F005 in an area in which was not at or near their point of generation.
- ... inspectors observed that the facility's paint stripping process included the application of an Alodine solution, involving the chemical conversion coating of aluminum, and that the dried filter cake sludge produced by the facility's wastewater treatment system had been identified by SA as a characteristic D006/D007 hazardous waste, but not listed as F019 hazardous waste.
- The CA alleges this constituted a failure to accurately determine that a solid waste is a listed waste following methods required by the applicable South Carolina Code Ann. Regs.
- SA was unable to provide a written job description for each position related to hazardous management (noting however that the company was able to provide hazardous waste training records to show that hazardous waste management employees were current on their required hazardous waste management training)
- The CA alleges this constituted a storage of hazardous waste without a permit or interim status because SA having not maintained the requisite documents and records at the facility, failed to comply with a condition of the Large Quantity Generator permit exemption given in the applicable South Carolina Code Ann. Regulations.

The CA provides that SA neither admits nor denies the factual allegations and determinations.

SA agrees to a civil penalty of \$4,115.38.

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