



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

December 1, 2015

3500 Hanger Drive
Vandalia, Ohio 45377

**Re: Steven's Aviation, Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Montgomery County
OHD 175 790 898**

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Steven's Aviation, Inc.

Enclosed are invoices for the total penalty amount of \$4,400.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3180.

Sincerely,

A handwritten signature in black ink that reads "D. L. Crumiell-Hagens". The signature is written in a cursive, flowing style.

Demitria Crumiell-Hagens, Administrative Professional II
Division of Materials & Waste Management

Enclosure

cc: Kelly Smith, DMWM, CO
Sarah Harvey, DMWM, CO
Andrea Smoktonowicz, Legal
Bonnie Buthker, DMWM, SWDO
George Strobel, DMWM, SWDO
Russ Brown, DMWM, SWDO

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

DEC - 1 2015

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Stevens Aviation, Inc.
3500 Hanger Drive
Vandalia, Ohio 45377

Respondent

**Director's Final
Findings and Orders**

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Stevens Aviation, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent is an aircraft services provider that performs aircraft maintenance, modification and refurbishment at its facility at 3500 Hanger Drive in Vandalia, Montgomery County, Ohio (Facility). Respondent is assigned EPA ID number OHD175790898.
3. At the Facility, Respondent generates hazardous waste as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent generates greater than 2200 pounds of hazardous waste in a calendar month and is therefore operating as a large quantity generator of hazardous waste as set forth in OAC rule 3745-52-34. Hazardous waste is generated by Respondent at the Facility as a result of stripping paint from aircraft and consists of spent solvent containing methylene chloride which is a listed (F002) hazardous waste as described in OAC rule 3745-51-31 and is a characteristic hazardous waste for barium (D005), chromium (D007) and lead (D008) as described in OAC rule 3745-51-24.
4. On February 3, 2015, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, Ohio EPA determined that Respondent, *inter alia*: Failed to provide training for employees managing hazardous waste, failed to provide annual training to personnel on hazardous management procedures, and failed to maintain records of training and information regarding each position at the facility related to hazardous waste management including job titles and written job descriptions, in violation of OAC rule 3745-65-16.
5. During the February 3, 2015 inspection at the Facility, Ohio EPA also observed a hazardous waste tank system as that term is defined in OAC rule 3745-50-10. This tank system consisted of a floor trough, a 700-gallon underground sump, and two 2500-gallon tanks which sit directly on the floor in the building where the paint is stripped off aircraft. At the time of the inspection, this tank system contained the hazardous waste spent paint stripping solvent. The process that generates the hazardous waste involves spraying paint stripper onto the aircraft and after the paint has softened, spraying the aircraft with water to remove the hazardous waste stripper and paint. The hazardous waste spent solvent flows across the floor to a floor trough, which drains into an underground sump. The hazardous waste is then pumped from the sump into either of the two 2,500-gallon tanks. As a result of examining this hazardous waste tank system, Ohio EPA determined Respondent, *inter alia*:

- a. Failed to label the floor trough, sump and two tanks where hazardous waste is being accumulated onsite with the words "hazardous waste," in violation of OAC rule 3745-52-34(A)(3);
 - b. Failed to ensure the tank system was properly designed and installed, including having a written assessment reviewed and certified by a qualified professional engineer attesting that the system has sufficient structural integrity and is acceptable for storing hazardous waste, in violation of OAC rule 3745-66-92;
 - c. Failed to provide secondary containment for the tank system, in violation of OAC rule 3745-66-93;
 - d. Failed to provide spill prevention and/or overfill prevention controls for the tank system, in violation of OAC rule 3745-66-94; and
 - e. Failed to conduct inspections of the tank system once each operating day and document the inspections in the Facility operating record, in violation of OAC rule 3745-66-95.
6. By letter dated February 13, 2015, Ohio EPA notified Respondent of the violations referenced in Finding No. 4. of these Orders.
 7. By letter dated March 2, 2015, Ohio EPA notified Respondent of the violations referenced in Finding No. 5. of these Orders.
 8. By letter dated March 17, 2015, Respondent responded to the violations referenced in Finding Nos. 4. and 5. of these Orders. The response stated Respondent would complete personnel training by April 16, 2015 and comply with the applicable hazardous waste tank rules by August 13, 2015.
 9. By letter dated April 2, 2015, Respondent submitted personnel training documentation consisting of the hazardous waste training program and sign-in sheets showing employees received personnel training.
 10. By letter dated April 16, 2015, Respondent responded to the March 2, 2015 letter referenced in Finding No. 5. of these Orders. The response indicated that the tanks were labeled with the words "hazardous waste" and also included a compliance schedule for upgrading the tank system.

11. By letter dated May 22, 2015, Ohio EPA informed Respondent that it remained in violation of certain personnel training requirements as referenced in Finding No. 4., including information regarding each position at the facility related to hazardous waste management and job titles and written job descriptions, and the hazardous waste tank standards as referenced in Finding No. 5. of these Orders.
12. On July 13, 2015, Respondent submitted plans for the installation of a new system that will incorporate the floor trough but instead of using tanks, the hazardous waste generated at the Facility will pass through the trough and into a funnel located in a newly constructed sump. The hazardous waste will be immediately pumped from the funnel into containers staged near the sump. The system will be checked by Facility personnel on a regular basis when the Facility is generating hazardous waste to ensure that hazardous waste is not being stored in the trough or funnel. The hazardous waste will be accumulated in the containers in accordance with OAC rule 3745-52-34 and will be properly shipped offsite to an authorized facility.
13. By letter dated October 27, 2015, Respondent submitted a Standard Operating Procedure and Process Description for the new system described in Finding No. 12. of these Orders.
14. By letter dated October 28, 2015, Respondent submitted documentation showing the two 2500-gallon tanks were cleaned out, removed from service, and staged outside at the Facility. Respondent intends to transport the tanks to Respondent's facility in South Carolina where they will be used in a wastewater treatment system. Based on this information, the Director has determined no further action is required to demonstrate compliance with the hazardous waste tank standards in OAC rules 3745-66-90 through 3745-66-99 and the violations referenced in Finding No. 5. of these Orders are abated.
15. On November 9, 2015, Respondent submitted job titles and written job descriptions for Facility personnel who perform hazardous waste management duties in compliance with OAC rule 3745-65-16. No further action is required and the violations referenced in Finding No. 4. of these Orders are abated.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall implement the plan referenced in Finding No. 13. of these Orders for managing the hazardous waste generated at the Facility during the process of stripping paint from aircraft.
2. Respondent shall pay to Ohio EPA the amount of \$4,400.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. in accordance with the following schedule:
 - a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,100.00;
 - b. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,100.00;
 - c. Within 210 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,100.00; and
 - d. Within 300 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of \$1,100.00.

Respondent shall make each payment by tendering an official check made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent and the Facility. A copy of each check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southwest District Office
Division of Materials and Waste Management
401 East Fifth Street
Dayton, Ohio 45402
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Craig W. Butler
Director

IT IS SO AGREED:

Stevens Aviation, Inc.


Signature

11/10/15
Date

Neal McGrahl
Printed or Typed Name

CFO
Title