

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**MAAS Aviation Brookley, Inc.
Mobile, Mobile County, Alabama
USEPA Identification Number ALR000059915**

Consent Order No. 26-XXX-CHW

PREAMBLE

This Consent Order is made and entered into by the Alabama Department of Environmental Management ("the Department" or "ADEM") and MAAS Aviation Brookley, Inc. ("MAAS") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Alabama Hazardous Wastes Management and Minimization Act ("AHWMMA"), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

STIPULATIONS

1. MAAS operates an aircraft painting facility with EPA Identification Number ALR000059915, located at 321 Airbus Way in Mobile, Mobile County, Alabama. MAAS, as a result of its operations at the facility, was a large quantity generator of hazardous waste, as defined in ADEM Admin. Code Div. 14, at all times relevant to this action.
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.
3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

DEPARTMENT'S CONTENTIONS

4. On March 2, 2026, the Department conducted a compliance evaluation inspection ("CEI") of MAAS. The CEI and a review of MAAS' compliance showed the following:

(a) Pursuant to pertinent provisions of ADEM Admin. Code r. 335-14-3-.01(7)(a), a large quantity generator may accumulate hazardous waste on-site without a permit or interim status provided the generator accumulates hazardous waste on-site for no more than 90 days, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

MAAS stored hazardous waste on-site for more than 90 days without a permit or extension. One container of hazardous waste labeled "UN 1263 Solvent" located in the Building 14 Central Accumulation Area was labeled with an accumulation start date of October 12, 2025, indicating that it had been stored on-site for longer than 90 days. Documentation was received by the Department on March 9, 2026, stating the container had been shipped off-site on March 6, 2026.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4., large quantity generators must close their satellite accumulation containers except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

MAAS failed to keep closed six satellite accumulation containers of hazardous waste located in Building 13B, Building 14A, Building 14C, and the Solvent Recovery Room. Documentation was received by the Department on March 9, 2026, demonstrating these satellite accumulation containers had been closed.

(c) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5., a large quantity generator must mark or label its satellite accumulation containers with the words "Hazardous Waste" and with an indication of the hazards of the contents [examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard

communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704].

MAAS failed to label six satellite accumulation containers of hazardous waste located in Building 13B, Building 14A, Building 14C, and the Solvent Recovery Room with the words "Hazardous Waste". MAAS failed to label three satellite accumulation containers of hazardous waste located in Building 14A and the Solvent Recovery Room with an indication of the hazards of their contents. Documentation was received by the Department on March 9, 2026, demonstrating these satellite accumulation containers had been labeled appropriately with the words "Hazardous Waste" and with an indication of the hazards of their contents.

(d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i), a large quantity generator must mark or label its containers with the words "Hazardous Waste", an indication of the hazards of the contents, the date upon which each period of accumulation begins, and all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.

MAAS failed to label seventeen containers of hazardous waste located in the Building 14 Central Accumulation Area with an indication of the hazards of their contents. MAAS failed to label thirty-seven containers of hazardous waste located in the Building 14 Central Accumulation Area with applicable EPA hazardous waste numbers. Documentation was received by the Department on March 9, 2026, demonstrating the containers of hazardous waste had been appropriately labeled with an indication of the hazards of their contents and with EPA hazardous waste numbers.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), at least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The large quantity generator must record inspections in an inspection log or

summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

MAAS failed to maintain complete records of weekly inspections of its central accumulation area. The following violations were discovered while reviewing weekly inspection logs of the Building 14 Central Accumulation Area:

- The inspection logs did not include the time of the inspection;
- The inspection log for the second week of March 2023 was not dated; and
- The inspection log for the second week of March 2025 was missing.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.14(11), a large quantity generator's contingency plan must be reviewed and immediately amended, if necessary, whenever: applicable regulations are revised; the plan fails in an emergency; the generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

MAAS failed to update its contingency plan to reflect current facility information and conditions.

5. On April 24, 2026, the Department issued a Notice of Violation to MAAS, which cited the abovementioned violation(s).

6. On May 12, 2026, MAAS submitted to the Department a written response to the NOV, which stated that the violation(s) cited in the NOV had been corrected.

7. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed

compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATION(S):** In determining the seriousness of the violation(s), the Department considered the general nature and magnitude of the violation(s) along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **STANDARD OF CARE:** In considering the standard of care manifested by MAAS, the Department noted that the violation(s) were non-technical and easily avoidable. Consequently, MAAS failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has determined that no significant economic benefit was gained by MAAS as a result of the violation(s).

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) UPON THE ENVIRONMENT:** There are no known environmental effects to mitigate as a result of the violation(s).

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, MAAS has a history of similar violations and the civil penalty reflects that history.

(f) **ABILITY TO PAY:** The Department does not have any evidence indicating that MAAS is unable to pay the civil penalty.

(g) **OTHER FACTORS:** It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without

incurring the unwarranted expense of litigation (see Attachment A, which is made a part of the Department's Contentions).

8. The Department neither admits nor denies MAAS' Contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violation(s) cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violation(s). The Department has determined that the terms contemplated in this Consent Order are in the best interest of the citizens of Alabama.

MAAS' CONTENTIONS

9. MAAS neither admits nor denies the Department's Contentions. MAAS consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

ORDER

Therefore, without admitting that it has violated any statutes or regulations, MAAS, along with the Department, desires to resolve and settle the alleged violation(s). The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement. The Department believes that the following conditions are appropriate to address the alleged violation(s). Therefore, the Department and MAAS agree to enter into this Consent Order with the following terms and conditions:

A. MAAS agrees to pay to the Department a civil penalty in the amount of \$9,720 in settlement of the violation(s) alleged herein within forty-five (45) days of the Effective Date of this Consent Order. Failure to pay the civil penalty within forty-five (45) days from the Effective Date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. MAAS agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods acceptable to the Department and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Consent Order shall reference MAAS' name and address, and the ADEM Consent Order Number of this action.

C. MAAS agrees to comply with all applicable terms, conditions, and limitations of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and MAAS ("Parties") agree that this Consent Order shall apply to and be binding upon both parties, and both parties shall direct their directors, officers, and employees implementing this Consent Order to comply with its provisions. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The Parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violation(s) cited herein.

F. MAAS agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, MAAS agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The Parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in orders as may be issued by the Director, litigation initiated by the

Department, or such other enforcement actions as may be appropriate. MAAS agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Consent Order if future orders, litigation, or other enforcement actions address new matters not raised in this Consent Order.

I. The Parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and MAAS does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The Parties agree that this Consent Order shall not affect MAAS' obligation to comply with any federal, State, or local laws or regulations.

K. The Parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The Parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. The Parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The Parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State, or local law, and shall not be construed to waive or relieve MAAS of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

MAAS AVIATION BROOKLEY, INC.

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT


(Signature of Authorized Representative)

Edward Poolos
Director

CRISTE MYRICAL
(Printed Name)

EXECUTING VCB PHYSICIAN
(Printed Title)

07/22/2024
(Date Signed)

(Date Executed)

Attachment A

MAAS Aviation Brookley, Inc.
Mobile, Mobile County
Facility ID No. ALR000059915

Violation	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violation*	
(a) Storage of hazardous waste for greater than 90 days without a permit	1	\$10,000	\$1,000	\$0	
(b) Failure to keep satellite accumulation containers of hazardous waste closed	1	\$150	\$50	\$0	
(c) Failure to properly label satellite accumulation containers of hazardous waste	1	\$150	\$50	\$50	
(d) Failure to properly label containers of hazardous waste	1	\$150	\$50	\$50	
(e) Failure to properly document weekly inspections of central hazardous waste accumulation areas	1	\$150	\$50	\$0	
(f) Failure to keep the contingency plan up to date	1	\$150	\$50	\$50	Total of Three Factors
TOTAL PER FACTOR		\$10,750	\$1,250	\$150	\$12,150

Adjustments to Amount of Initial Penalty

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$12,150
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	-\$2,430
Ability to Pay (-)	\$0	FINAL PENALTY	\$9,720
Other Factors (+/-)	-\$2,430		

Footnotes

* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.