



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 14, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Scott Olson  
Leading Edge Aviation Services Inc  
3132 Airway Avenue  
Costa Mesa, CA 92626

**Re: Leading Edge Aviation Services Inc  
Agreed Order No. 6476 14**

Dear Mr. Olson:

Enclosed you will find a copy of Agreed Order No. 6476 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Chris Sanders at (601) 961-5682.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Chris Sanders

Agency Interest No. 1255  
ENF20130003

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6476 14

LEADING EDGE AVIATION SERVICES, INC  
F/K/A LEADING EDGE MISSISSIPPI, INC.  
3132 AIRWAY AVENUE  
COSTA MESA, CA 92626

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Leading Edge Aviation Services, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated April 13, 2012, and June 20, 2013, Complainant notified Respondent of the following violations which are alleged to have occurred during Respondent's operations at the Mid Delta Regional Airport in Greenville, Washington County, Mississippi:

- A. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(b)(3)), which required Respondent to properly label containers of hazardous waste.
- B. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)), which established the maximum accumulation time for hazardous waste storage by a hazardous waste generator.
- C. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)(4), which in turn incorporates 40 C.F.R. §265.35), which established

minimum aisle space requirements for hazardous waste storage areas.

- D. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)(1), which in turn incorporates 40 C.F.R. §265.176), which established special requirements regarding the storage of certain hazardous wastes.
- E. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)(4)), which in turn incorporates 40 C.F.R. §265.31), which required Respondent to operate and maintain its facility in such a way as to minimize the possibility of fire, explosion, or any unplanned release of hazardous wastes or hazardous constituents.
- F. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)(1)), which in turn incorporates 40 C.F.R. §265.173(b)), which required hazardous waste storage containers to remain closed, except when necessary to add or remove waste.
- G. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.11), which required Respondent to make a determination as to all of its solid waste whether such waste was hazardous waste.
- H. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.42(a)(2)), by not maintaining fully-executed hazardous waste manifests.
- I. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a)(1), which in turn incorporates 40 C.F.R. §265.174(d)), which required Respondent to maintain, on site, hazardous waste storage area inspection documentation.
- J. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(c)(2)) by exceeding the maximum storage time for hazardous waste “satellite accumulation areas.”
- K. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.3 (incorporating 40 C.F.R. §262.34(a), which in turn incorporates 40 C.F.R. §265.400), which required a permit for the treatment, storage and/or disposal of hazardous waste.
- L. Violation of Condition No. T-9 of State Operating Permit No. MSU096135, which required Respondent to properly operate and maintain its waste water

evaporators.

- M. Violation of Condition No. T-7 of State Operating Permit No. MSU096135, which required Respondent to notify MDEQ of modifications to its waste water treatment system.
- N. Violation of Condition No. T-2 of State Operating Permit No. MSU096135, which prohibited any discharge of waste water to waters of the State.
- O. Violation of Miss Code Ann. §49-17-29 (and consequently 40 C.F.R. 122.26(c)) by failing to obtain coverage under the applicable industrial storm water general permit.
- P. Violation of 11 Miss. Admin Code, Pt. 3, Ch. 1, R. 1.8 (Mississippi Hazardous Waste Regulations Part 264.S1 – Annual Reporting), which required Respondent to accurately report annually the amount of hazardous waste it treated, stored, recycled and/or disposed.
- Q. Violation of Miss. Code Ann. 49-31-25, which required Respondent to pay a pollution prevention fee based on the total amount of hazardous waste generated annually.

Respondent's lease with the Mid Delta Regional Airport terminated February 28, 2014. Respondent has completed work under a closure plan, which was conditionally approved by MDEQ, regarding its waste water treatment system. Respondent has also completed soil, sediment and groundwater sampling under a "Site Sampling Plan for Assessment," which was approved by MDEQ. Results of this sampling have not identified any contamination at levels requiring remedial action.

2.

In lieu of a formal enforcement hearing concerning the violation(s) listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$275,000.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for future violations of environmental laws, rules, and regulations.

5.

The Commission and MDEQ release, waive, and forever discharge any and all claims against Respondent, including Respondent's parent companies, corporate affiliates, subsidiaries, and their respective officers, directors, attorneys, representatives, shareholders, agents and employees, and sister and parent entities (collectively "Releasees") from all claims that have been or could have been asserted against Respondent for violations of all laws and regulations enforceable by MDEQ in connection with Respondent's operations at the Mid Delta Regional Airport in Greenville, Washington County, Mississippi. This general release extends ONLY to claims for which MDEQ possessed information, or where MDEQ had reason to suspect the existence of such information or claim, or which MDEQ should have known the existence of such information or claim, in each case, at the time of executing this Agreed Order.

The parties agree that by entering into this Agreed Order, Respondent does not admit the truth of any allegation in this Agreed Order, and without any admission of liability by Respondent, Respondent consents to the entry of this Agreed Order resolving the claims of the Commission addressed herein. Complainant continues to assert that the violations occurred as alleged herein.


This Agreed Order represents the settlement and compromise of a disputed matter and may not be used by either party as an admission of liability or fault, and is not admissible in any administrative, civil or criminal proceeding to prove liability for or invalidity of the claims contained herein.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 13<sup>th</sup> day of NOVEMBER, 2014.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 29<sup>th</sup> day of October, 2014.

LEADING EDGE AVIATION SERVICES INC

BY: Scott Olson

TITLE: General Counsel

STATE OF California

COUNTY OF Orange

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Scott Olson who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Counsel of Leading Edge Aviation Services Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29<sup>th</sup> day of October, 2014.

[Signature]  
NOTARY PUBLIC

My Commission expires: 5-9-2018

