

Press Release

MIAMI INTERNATIONAL AIR CARRIER PLEADS AND IS SENTENCED FOR THE ILLEGAL STORAGE AND DISPOSAL OF HAZARDOUS WASTE

January 19, 2011

FOR IMMEDIATE RELEASE

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, Maureen O'Mara, Special Agent in Charge, U.S. Environmental Protection Agency (EPA), Criminal Investigation Division, Atlanta Area Office, and Marlies T. Gonzalez, Special Agent in Charge, U.S. Department of Transportation, Office of the Inspector General, announced that defendant **Miami Air International, Inc. (MAII)**, a Florida corporation with its headquarters at Miami International Airport, pled guilty and was sentenced yesterday in connection with the illegal storage and disposal of hazardous oxygen generators and personal breathing equipment (PBEs) that had been removed from commercial aircraft operated by MAII, contrary to the Resource Conservation and Recovery Act (RCRA), in violation of Title 42, United States Code, Section 6928(d)(2)(A) and Title 18, United States Code, Section 2.

MAII pled guilty before U.S. District Court Judge Federico A. Moreno to a one count Information, charging it with knowingly storing and disposing of any hazardous waste as defined under RCRA, that is chemical oxygen generators and chemical oxygen PBEs, at a facility that did not have a permit to store and dispose of hazardous waste as required by RCRA. HCFC-22 is a widely used refrigerant for residential heat pump and air-conditioning systems.

Immediately following the guilty plea, MAII was sentenced to three years of probation and ordered to pay a \$125,000 criminal fine. In addition, as a special condition of probation, MAII was ordered to implement and enforce a comprehensive Environmental Compliance Plan, requiring MAII at its own expense to engage the services of an outside independent consultant subject to the approval of the Court and the United States, that will audit the hazardous materials handling practices, training programs, and related activities of MAII over the period of probation, and provide periodic reports to the Court, the U.S. Attorney's Office, and the Environmental Protection Agency, Criminal Investigation Division - Miami Field Office.

U.S. Attorney Wifredo Ferrer stated, "The illegal disposal of hazardous materials poses a risk to our environment and the public. For this reason, we are committed to enforcing our environmental laws and regulations."

"The defendant's illegal storage and disposal practices created fire and explosions and in the process, put workers and the general public in harm's way," said Maureen O'Mara, Special Agent in Charge of EPA's criminal enforcement program for the Florida region. "Today's guilty plea demonstrates our commitment to prosecute violators who damage the environment and endanger the public."

In addition to being regulated by the Environmental protection Agency, the handling and transportation of hazardous waste also falls within the jurisdiction of two Department of Transportation Agencies: the Federal Aviation Administration and the Pipeline Hazard Materials Safety Administration.

According to court records, MAII is a charter airline operating under Part 121 of the Federal Aviation Regulations, with a fleet of approximately nine aircraft flying public and private sector clients around the world. As part of its business activities, MAII used various pieces of equipment on its aircraft, including chemical oxygen generators and chemical oxygen PBEs, which when removed from service constituted hazardous waste under RCRA due to their characteristics of ignitability and reactivity.

According to court documents, in April 2008, an employee of a waste disposal company heard an explosion while compacting a load in his truck. Upon returning to his employer's facility, and while fueling his truck, the driver observed smoke coming from the truck. He stopped fueling while another employee began spraying water over the truck body. At that time, a second low-level explosion was heard. The truck was moved from the fueling area to an open parking lot where the entire load was dumped on the ground and an active fire was discovered. Several unmarked, burned canisters were found. It was determined that they were oxygen generators that belonged to MAII and had been discarded into a dumpster at MAII's facility at Miami International Airport, and subsequently collected by the trash disposal company. The Miami-Dade Police Department Bomb Squad took possession of six canisters and subsequently detonated them. Later that month, thirteen aircrew smoke hood type oxygen generators, known as PBEs, were found at a waste disposal facility. An employee recalled those oxygen generators had also been collected from the dumpster located at the MAII facility at Miami International Airport. The investigation revealed that the canisters and PBEs were on MAII aircraft in 2003-2005 and had subsequently been removed from service.

Mr. Ferrer commended the investigative efforts of the EPA, DOT's Office of Inspector General, the Florida Department of Environmental Protection, Criminal Investigation Bureau, the Federal Aviation Administration, Florida Department of Environmental Protection Criminal Investigations Bureau, and the Miami-Dade Police Bomb Squad. The case was prosecuted by Special Assistant U.S. Attorney Jodi A. Mazer and Assistant U.S. Attorney Thomas Watts-FitzGerald.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>.

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