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**U.S. EPA REGION 7
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:

Spirit AeroSystems, Inc.,

Respondent

Docket No. RCRA-07-2026-0192

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Spirit AeroSystems, Inc. (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

JURISDICTION

1. This administrative action is being conducted pursuant to Sections 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

PARTIES

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

3. Respondent is Spirit AeroSystems, Inc., a company authorized to operate under the laws of Kansas.

STATUTORY AND REGULATORY FRAMEWORK

4. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

5. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 2002, 3001, 3002, 3003, 3004, 3005, 3007 and 3010 of RCRA, 42 U.S.C. §§ 6912, 6921, 6922, 6923, 6924, 6925, 6927, and 6930, to develop and promulgate specific requirements in order to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Part 239 through Part 282.

6. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

7. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

8. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

9. The regulation at K.A.R. § 28-31-260, incorporating 40 C.F.R. § 260.10, defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

10. The regulation at K.A.R. § 28-31-260, incorporating 40 C.F.R. § 260.10, defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

11. The regulation at K.A.R. § 28-31-260, incorporating 40 C.F.R. § 260.10, defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

12. “Solid waste” is defined at K.A.R. § 28-31-261, incorporating, 40 C.F.R § 261.2.
13. “Hazardous waste” is defined at K.A.R. § 28-31-261, incorporating 40 C.F.R. § 261.3.
14. The regulation at K.A.R. § 28-31-260, incorporating 40 C.F.R. § 260.10, defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.
15. The regulation at K.A.R. § 28-31-260, incorporating 40 C.F.R. § 260.10, defines “large quantity generator” as a generator who generates, in a calendar month, greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e)
16. The State of Kansas has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Kansas has adopted by reference the federal regulations cited herein, as in effect July 1, 2006,¹ at pertinent parts of Title 28, Article 31 of the Kansas Administrative Regulations (hereinafter “K.A.R.”). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Kansas has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
17. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$124,426 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Based upon the facts alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

¹Although federal regulatory citations have been updated since 2006, this Consent Agreement uses the federal citations as they were in effect July 1, 2006, based on the regulations as currently authorized in the state of Kansas.

FACTUAL ALLEGATIONS

18. Respondent is a company and authorized to conduct business within the State of Kansas. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

19. On or about June 25-27, 2024, and during all relevant times prior thereto, Respondent owned and operated a facility located at 3801 S. Oliver in Wichita, Kansas (“facility”). At the facility, Respondent manufactured aircraft fuselage and components. Respondent employs approximately 15,000 people.

20. On or about May 4, 2005, Respondent notified the EPA of its regulated waste activity as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930. Respondent obtained the following RCRA ID number: KSR000503961.

21. On or about June 25-27, 2024, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

Violations

22. Complainant hereby states and alleges that Respondent has violated RCRA and the federal regulations promulgated thereunder, as follows:

Count 1

**Operating as a Treatment, Storage or Disposal Facility
Without a RCRA Permit or RCRA Interim Status**

23. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 21 above, as if fully set forth herein.

24. Section 3005 of RCRA, 42 U.S.C. § 6925, Kansas Statute Annotated 65-3431, and the regulations at 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

25. At the time of the inspection, Respondent did not have a permit or interim status.

Generator Requirements

26. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a), state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

Failure to date hazardous waste accumulation containers

27. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(2), require generators to clearly mark the date upon which each period of hazardous waste accumulation began on each container.

28. At the time of the inspection, Respondent failed to mark the date upon which hazardous waste accumulation began on a 55-gallon central accumulation container of hazardous waste paint sludge on the second floor of the Manufacturing Process Facility building (2-278M).

Failure to accumulate hazardous waste in containers

29. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. §§ 262.34(a)(1)(i)-(iii), require that, while being accumulated on site, hazardous waste must be placed in containers, tanks, or on drip pads.

30. At the time of the inspection, Respondent failed to place the following hazardous waste in containers, tanks, or on drip pads:

- a. Hazardous waste paint containing chromium on paint booth equipment, the exterior walls of the paint booth, and the floor around the paint booth in the touch up booth on the second floor near F.6 4 of the Manufacturing Process Facility building (2-278M);
- b. Hazardous waste paint containing chromium on paint booth equipment, the exterior walls of the paint booth, a container used to collect spillage from paint booth equipment, and the floor around the paint booth in the large part paint booth on the second floor of the Manufacturing Process Facility building (2-278M);
- c. Hazardous waste paint containing chromium on the floor around the container accumulation areas in the Manufacturing Process Facility building (2-278M);
- d. Hazardous waste chromium-based primer debris on the floor around the maintenance area in the Manufacturing Process Facility building (2-278M);
- e. Hazardous waste chromium-based primer on the floor along the aisles between work areas and the container accumulation area in Plant 2 (2-297F);

- f. Hazardous waste tetrachloroethylene splashes on the walls near, and on, three 55-gallon containers of tetrachloroethylene in Plant 2 (2-297F);
- g. Hazardous waste paint on the walls and floor in the paint kitchen of the Composite Manufacturing Facility (3-238L);
- h. Hazardous waste paint on a 55-gallon container, walls, floor, and sink of the paint kitchen in the Strut/Nacelle building (1-198D);
- i. Hazardous waste bulk solids contaminated with chromium on the floor around the compactor in the Waste Management building (1-258H); and
- j. Hazardous waste chromium-based primer on the floor in the Container Consolidation building (1-255G).

Failure to maintain job descriptions pertaining to hazardous waste management

31. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(5), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

32. Pursuant to 40 C.F.R. § 265.16(d)(2), the owner or operator must maintain a written job description for each position at the facility related to hazardous waste management including the requisite skill, education, or other qualifications.

33. At the time of the inspection, Respondent's written job descriptions failed to include a complete written job description for each position at the facility related to hazardous waste management including the requisite skill, education, or other qualifications.

Failure to maintain training descriptions

34. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(4), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

35. Pursuant to 40 C.F.R. § 265.16(d)(3), the owner or operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person whose position at the facility is listed in the regulations and related to hazardous waste management.

36. At the time of the inspection, Respondent's records failed to include a written description of the type and amount of training requirements for each position related to hazardous waste management.

Failure to maintain adequate aisle space

37. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(4), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

38. Pursuant to 40 C.F.R. § 265.35, as found in 40 C.F.R. Part 265, Subpart C, the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, *unless* aisle space is not needed for any of these purposes.

39. At the time of the inspection, it was discovered that Respondent failed to maintain adequate aisle space in the hazardous waste storage area in Plant 2 (2-297F) near column OB21N. There were six containers of hazardous waste bulk solids in two rows of three containers with no aisle space between the rows and a guard rail and some equipment against the back row which made it inaccessible without moving the front row.

Failure to include a list of all emergency equipment at the facility in the contingency plan

40. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(4), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

41. Pursuant to 40 C.F.R. § 265.52(e), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must maintain in its contingency plan a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The list must be kept up to date. The plan must also include the location and a physical description of each item on the list, and a brief outline of its capabilities.

42. At the time of the inspection, Respondent's contingency plan failed to include a complete list of the emergency equipment, the equipment's location within the facility, a physical description of each emergency equipment item, and the capabilities of each emergency equipment item.

Failure to include an evacuation plan in the contingency plan

43. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(4), require, in part, that the generator comply with Subparts C and D in 40 C.F.R. Part 265, with 40 C.F.R. § 265.16, and with 40 C.F.R. § 268.7(a)(4).

44. Pursuant to 40 C.F.R. § 265.52(f), as found in 40 C.F.R. Part 265, Subpart D, the owner or operator must maintain in its contingency plan an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

45. At the time of the inspection, Respondent had an evacuation plan in another document, but it was not included or referenced in the contingency plan.

Failure to close multiple containers of hazardous waste

46. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(1)(i), require that while being accumulated on-site, the hazardous waste must be placed in containers, and the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265.

47. Pursuant to 40 C.F.R. § 265.173(a), as found in 40 C.F.R. Part 265, Subpart I, generators must close hazardous waste storage containers during storage, except when it is necessary to add or remove waste.

48. At the time of the inspection, the following hazardous waste accumulation containers were open:

- a. A 55-gallon satellite accumulation area container of bulk hazardous waste solids in the 40-foot paint booth of the Manufacturing Process Facility (2-278M);
- b. A container/bag of bulk hazardous waste solids, including swabs, wipes, and personal protective equipment, contaminated with chromium, in the third-party processing parts area of the Manufacturing Process Facility (2-278M);
- c. A five-gallon container of hazardous waste tetrachloroethylene in the maskant area, next to column D.5 40, in the Manufacturing Process Facility (2-278M);
- d. A container holding less than one (1) gallon of hazardous waste primer near F.6 4 in the touch up booth on the second floor of the Manufacturing Process Facility (2-278M);
- e. A 55-gallon satellite accumulation container of hazardous waste flammable liquids near F.6 4 outside the touch up booth in the Manufacturing Process Facility (2-278M);
- f. A five-gallon container that was three quarters full of hazardous liquid primer waste that was being used to collect spillage from the paint booth equipment in the large paint booth on the second floor of the Manufacturing Process Facility (2-278M);
- g. Eight satellite accumulation area containers of hazardous waste bulk solids in the Strut/Nacelle building (1-198D);
- h. Two approximately one-half cubic yard boxes containing some small containers of hazardous waste ink generated from a clean out at the sign shop in the Container Consolidation Building (1-255G); and
- i. A container of hazardous waste tetrachloroethylene with a loose bung in Plant 2 (2-297F).

Failure to separate multiple containers of incompatible hazardous waste

49. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(a)(1)(i), require that while being accumulated on-site, the hazardous waste must be placed in containers,

and the generator must comply with the applicable requirements of Subpart I of 40 C.F.R. Part 265.

50. Pursuant to 40 C.F.R. § 265.177(c), as found in 40 C.F.R. Part 265, Subpart I, a storage container holding a hazardous waste that is incompatible with any other waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

51. At the time of the inspection, there were two approximately one-half cubic yard boxes containing hazardous waste generated from laboratory clean outs in the Container Consolidation Building (1-255G). The boxes held smaller containers of off specification paint and some other containers marked as sodium hydroxide, paint waste, and organic solvent waste.

52. A facility representative stated that these boxes were not monitored for incompatibility because the smaller containers would not be in the boxes for longer than one week. However, due to the dates on the boxes, it was determined that the smaller containers had been present for several weeks. Mixing sodium hydroxide and paint waste containing organic components can lead to violent, exothermic (heat-generating) reactions.

53. At the time of the inspection, there was also a 55-gallon container of hazardous waste acid debris that was stored next to a 55-gallon container of flammable waste in the Container Consolidation Building (1-255G). Both containers were stored on top of pallets without any additional separation. A facility representative confirmed these wastes were incompatible.

Satellite Accumulation

54. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(c)(1), allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where waste initially accumulates, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with § 262.34(a) provided the generator comply with various handling requirements. This type of accumulation is known as “satellite accumulation”. At the time of the inspection, Respondent failed to comply with the following satellite accumulation requirements:

Failure to properly mark satellite accumulation containers

55. The regulations at K.A.R. § 28-31-262, incorporating 40 C.F.R. § 262.34(c)(1)(ii), and modified by K.A.R. § 28-31-262(c)(7), allow a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the generator marks the containers with the words “Hazardous Waste.”

56. At the time of the inspection, the following satellite accumulation containers containing hazardous waste were not marked with the words “Hazardous Waste”:

- a. A 55-gallon container of bulk hazardous waste solids in the 40-foot paint booth of the Manufacturing Process Facility (2-278M);
- b. A five-gallon container of hazardous waste tetrachloroethylene in the maskant area, next to column D.5 40, in the Manufacturing Process Facility (2-278M);
- c. A container holding less than one (1) gallon of hazardous waste primer near F.6 4 in the touch up booth on the second floor of the Manufacturing Process Facility (2-278M);
- d. A five-gallon container approximately three quarters full of hazardous liquid primer waste in the large part paint booth on the second floor of the Manufacturing Process Facility (2-278M); and
- e. A 20-gallon container of hazardous waste bulk solids near column C4 in the Strut/Nacelle building (1-198D).

57. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 26 through 56 above, Respondent was not authorized to accumulate hazardous waste at its facility for any length of time and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

Count 2

Failure to Comply with Universal Waste Management Requirements

58. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 21 above, as if fully set forth herein.

Failure to close container of universal waste batteries

59. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.13(a)(1), require small quantity handlers of universal waste to contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

60. At the time of the inspection, there was one open 5-gallon container half full of universal waste batteries in the maintenance area of the Manufacturing Process Facility (2-278M). The inspection report did not note any leaks, spills or damage from the container.

61. Respondent's failure to close the container of universal waste batteries is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.13(a)(1).

Failure to mark or label container of universal waste batteries

62. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.14(a), require small quantity handlers of universal waste to clearly label or mark each battery or container or package in which such batteries are contained with one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

63. At the time of the inspection, a container holding approximately one-gallon of universal waste batteries outside and along the north exterior wall of the Container Consolidation Building (1-255G) was not labeled or marked clearly with one of the above-listed phrases.

64. Respondent’s failure to properly label the universal waste batteries described above is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.14(a).

Accumulation of universal waste batteries for longer than one year

65. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. §§ 273.15(a) and (b), state that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler, unless such accumulation is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

66. At the time of the inspection, there was a container of universal waste batteries in the Manufacturing Process Facility (2-278M) Maintenance Area that was dated “1/24/22.” Thus, this container had been accumulating universal waste batteries for more than one year.

67. Respondent’s accumulation of the universal waste batteries described above for longer than one year is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. §§ 273.15(a).

Failure to demonstrate universal waste battery accumulation time

68. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.15(c), require a small quantity handler of universal waste to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

69. At the time of the inspection, there was a container of universal waste batteries in the Container Consolidation Building (1-255G) that was undated. The batteries inside of the container were primarily Ni-Cd with some alkaline batteries.

70. Respondent’s failure to demonstrate the accumulation time for the universal waste batteries described above is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.15(c).

Failure to close multiple containers of universal waste lamps

71. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.13(d)(1), require a small quantity handler of universal waste to manage lamps in a way that prevents releases by containing the lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

72. At the time of the inspection, Respondent failed to close the following containers or packages to prevent releases and breakage:

- a. One 10-foot cardboard box container in the Container Consolidation Building (1-255G); and
- b. One container by column B in the Strut/Nacelle building (1-198D).

73. Respondent's failure to close the universal waste containers or packages described above to prevent releases and breakage is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.13(d)(1).

Failure to mark or label container of universal waste lamps

74. The regulations at K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.14(e), require small quantity handlers of universal waste to clearly label or mark each lamp or container or package in which such lamps are contained with one of the following phrases: "Universal Waste—Lamp(s)" or "Waste Lamp(s)," or "Used Lamp(s)."

75. At the time of the inspection, one 10-foot cardboard box container in the Container Consolidation Building (1-255G) was not labeled or marked clearly with one of the above-listed phrases.

76. Respondent's failure to properly label the universal waste lamp containers described above is a violation of K.A.R. § 28-31-273, incorporating 40 C.F.R. § 273.14(e).

Count 3

Failure to Comply with Used Oil Regulations

77. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 21 above, as if fully set forth herein.

Failure to label used oil containers

78. The regulations at K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(c)(1), require used oil generators to label or clearly mark containers and above ground tanks used to store used oil at generator facilities with the words "Used Oil."

79. At the time of the inspection, Respondent failed to label or clearly mark the following used oil containers:

- a. One full 55-gallon container of used oil located inside of the Container Consolidation Building (1-255G)/Pour Room; and
- b. One full 5-gallon container of a used oil/rainwater mixture located outside near the Used Oil Tanks.

80. Respondent's failure to label the containers of used oil described above is a violation of K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(c)(1).

Failure to respond to releases of used oil

81. The regulations at K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(d)(3), and modified by K.A.R. § 28-31-279(c)(3), require used oil generators, upon detection of a release of used oil to the environment, to stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials, and if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

82. At the time of the inspection, there were releases of used oil along the west and north sides of the Outside/Used Oil Tanks secondary containment. The oil was approximately four (4) feet by 28 feet in size along the west side and eight (8) feet by ten feet and three (3) feet by eight (8) feet along the north side. It appeared that the releases had occurred when the used oil secondary containment had overflowed, possibly during a rain event. There was also a film, of used oil visible throughout the floor of the secondary containment system.

83. Respondent's failure to clean up and manage properly the released oil described above is a violation of K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(d)(3), and modified by K.A.R. § 28-31-279(c)(3).

Failure to ensure that a used oil container was free of leaks

84. The regulations at K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(b), require used oil generators to store used oil in containers and/or aboveground tanks that are in good condition and not leaking (no visible leaks).

85. At the time of the inspection, there was a 1,000-gallon container, that was three quarters full of used oil, southwest of Pole Barn (2-310O), that was leaking a watery mixture from a valve. The inspector observed oil-stained concrete around the container immediately below the leaky valve which indicated that used oil was also leaking from the container.

86. Respondent's failure to ensure that the used oil container above was not leaking is a violation of K.A.R. § 28-31-279, incorporating 40 C.F.R. § 279.22(b).

CONSENT AGREEMENT

87. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2),
- Respondent:
- (a) admits the jurisdictional allegations set forth herein;
 - (b) neither admits nor denies the specific factual allegations stated herein;
 - (c) consents to the assessment of a civil penalty, as stated herein;
 - (d) consents to the issuance of any specified compliance or corrective action order;
 - (e) consents to any conditions specified herein;
 - (f) consents to any stated Permit Action;
 - (g) waives any right to contest the allegations set forth herein; and
 - (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

88. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

89. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein and performance of the compliance actions described below.

90. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

91. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

92. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: brittany.barrientos@stinson.com.

Penalty Payment

93. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of One Hundred Eighty-Nine Thousand Dollars (\$189,000), as set forth below.

94. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

95. A copy of the confirmation of payment shall simultaneously be sent to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Britt Bieri, Attorney
bieri.britt@epa.gov

96. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

97. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

Effect of Settlement and Reservation of Rights

98. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

99. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

100. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of its knowledge, it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

101. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

102. Notwithstanding any other provision of this Consent Agreement and Final Order, the EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Seventy-Four Thousand Nine Hundred Forty-Three Dollars (\$74,943) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

103. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents,

hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

104. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

105. Nothing contained in the Final Order portion of this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

106. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

107. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

108. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

109. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

110. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

In the matter of Spirit AeroSystems, Inc.

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COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Date

Britt Bieri
Office of Regional Counsel

RESPONDENT:

Spirit AeroSystems, Inc.

07/28/2026

Date

Signed by:

C69CEBF0914D400...

Jill Wills
Director of Finance

In the matter of Spirit AeroSystems, Inc.

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FINAL ORDER

Pursuant to Sections 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Britt Bieri
Office of Regional Counsel
bieri.britt@epa.gov

Kevin Snowden
Enforcement and Compliance Assurance Division
snowden.kevin@epa.gov

Carrie Venerable | NEW Solutions
Office of Regional Counsel
venerable.carrie@epa.gov

Copy via Email to Respondent:

Brittany Barrientos
Attorney for Respondent
brittany.barrientos@stinson.com

Copy via Email to the State of Kansas:

Heather Merritt, Director
Bureau of Waste Management
Kansas Department of Health and Environment
heather.merritt@ks.gov

Jeff Walker
Compliance and Enforcement, Waste Reduction, and Assistance Section
Kansas Department of Health and Environment
jeff.walker@ks.gov

Dated this _____ day of _____, _____.

Signed