

FILED

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**U.S. EPA REGION 7
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:

Textron Aviation Inc.,

Respondent) **Docket No.: RCRA-07-2025-0208**

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Textron Aviation 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).

ALLEGATIONS

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 Textron Aviation Inc., a corporation 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 3002 and 3005 of RCRA, 42 U.S.C. §§ 6922 and 6925, 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. Parts 262, 273, and 279.

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. 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 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).

9. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

10. The regulation at 40 C.F.R. § 260.10, as adopted by reference at K.A.R. 28-31-260(a), 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).

11. The regulation at 40 C.F.R. § 260.10, as adopted by reference at K.A.R. 28-31-260(a), 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.

12. The regulation at 40 C.F.R. § 260.10, as adopted by reference at K.A.R. 28-31-260(a), 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.

13. “Solid waste” is defined at 40 C.F.R. § 261.2, as adopted by reference at K.A.R. 28-31-261(a).

14. “Hazardous waste” is defined at 40 C.F.R. § 261.3, as adopted by reference at K.A.R. 28-31-261(a).

15. The regulation at 40 C.F.R. § 260.10, as adopted by reference at K.A.R. 28-31-260(a), 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.

16. The regulation at 40 C.F.R. § 260.10, as adopted by reference at K.A.R. 28-31-260(a), defines “large quantity generator” as a generator who generates 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).

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.

General Factual Background

18. Respondent is a corporation 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. Respondent owns and operates, through its subsidiaries, the following facilities:

- a. Cessna Mid-Continent (“CMC facility”) is located at 6440 Southwest Boulevard, Wichita, Kansas 67215. At this location, Respondent manufactures aircraft with a focus on assembly and completion from component parts of various passenger and light jet aircraft. Respondent employs approximate 7,500 people at this location.
- b. Cessna Aircraft Pawnee (“CAP facility”) is located at 5800 East Pawnee, Wichita, Kansas 67218. At this location, Respondent manufactures parts and components for Cessna aircraft. Respondent employs approximately 1,000 people at this location.
- c. Beechcraft Corporation (“BC facility”) is located at 9709 East Central, Wichita, Kansas 67206. At this location Respondent manufactures aircraft parts and assembles various types of aircraft. Respondent employs approximately 3,000 people at this location.

20. Respondent provided initial notifications to EPA for each facility, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, 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. The dates of notification are:

- a. March 23, 1990, for CMC facility. Respondent obtained the following RCRA ID number: KSD000809673.
- b. March 23, 1990, for CAP facility. Respondent obtained the following RCRA ID number: KSD007233596.
- c. March 27, 1990, for BC facility. Respondent obtained the following RCRA ID number: KSD007482011.

21. On or about September 17, 2024, EPA inspectors conducted RCRA Compliance Evaluation Inspections of the hazardous waste management practices at Respondent’s CMC and CAP facilities. On or about April 16, 2025, EPA inspectors conducted an inspection of the hazardous waste management practices at Respondent’s BC facility. Hereinafter all three inspections will collectively be referred to as “the inspections”. Based on a review of the inspection reports and the information provided during the inspections by facility personnel, it was determined that each facility was operating, at the time of the inspections, as large quantity generators of hazardous waste, small quantity handlers of universal waste, and used oil generators.

22. At the time of the inspections, the inspectors documented the following hazardous waste codes generated at each facility. These waste codes are attributable to solid and hazardous wastes, as defined at 40 C.F.R. § 261.2 and 261.3:

- a. CMC facility: D001 (ignitable characteristic waste), D002 (corrosive characteristic waste), D006 (toxic characteristic cadmium waste), D007 (toxic characteristic chromium waste), D035 (toxic characteristic methyl ethyl ketone waste), F003 (listed spent non-halogenated solvent), F005 (listed spent non-halogenated solvent), and F019 (listed wastewater treatment sludges).
- b. CAP facility: D001, D002, D003 (reactive characteristic waste), D006, D007, D008 (toxic characteristic lead waste), D009 (toxic characteristic mercury waste), D011 (toxic characteristic silver waste), D018 (toxic characteristic benzene waste), D035, F001 (listed spent non-halogenated solvents used in degreasing), F002 (listed spent non-halogenated solvents), F003, F005, F006 (listed wastewater treatment sludges from electroplating operations), F007 (listed spent cyanide plating bath solutions from electroplating operations), F008 (listed plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process), F019, P106 (listed sodium cyanide), U002 (listed acetone), U154 (listed methanol), U220 (listed toluene), U223 (listed toluene diisocyanate), and U228 (listed trichloroethylene).
- c. BC facility: D001, D002, D003, D005 (toxic characteristic barium waste), D006, D007, D008, D009, D010 (toxic characteristic selenium waste), D011, D018, D035, D040 (toxic characteristic trichloroethylene), F003, F005, F006, F007, F008, F019, P075 (listed nicotine and salts), P106, U002, U112 (listed acetic acid ethyl ester), U134 (listed hydrofluoric acid), U154, U159 (listed methyl ethyl ketone), U220, U239 (listed xylene).

23. At the time of the inspections, the following used oil containers were present:

- a. one 55-gallon drum of used oil at the CAP facility.
- b. three 5-gallon to 10-gallon containers of used oil at the CAP facility.

24. At the time of the inspections, the following universal waste containers were present:

- a. one 8-foot lamp container at the CMC facility.
- b. one 4-foot lamp container at the CMC facility.
- c. one 8-foot lamp cylinder at the CMC facility.
- d. three 2-foot lamp containers at the CMC facility.

Violations

25. Complainant hereby states and alleges that Respondent has violated RCRA and the Kansas authorized regulations promulgated thereunder, as follows:

Count 1

Operating Treatment, Storage or Disposal Facilities Without a RCRA Permit or RCRA Interim Status

26. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 24 above, as if fully set forth herein.

27. 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.

28. At the time of the inspections, Respondent did not have permits or interim status at any of the facilities referenced herein.

Generator Requirements

29. The regulation at 40 C.F.R. § 262.34(a), which is incorporated by reference at K.A.R. 28-31-262, states that a large quantity 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 its facility for any length of time. Respondent failed to comply with the following conditions:

Failure to containerize hazardous waste

30. The regulation at 40 C.F.R. § 262.34(a)(1)(i), which is incorporated by reference at K.A.R. 28-31-262, requires that while being accumulated on-site, 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.

31. At the time of the inspections, the following hazardous waste was not placed in containers:

- a. chromium primer hazardous waste spilled on the floors and outside the paint booth near column 9698 at the components manufacturing facility at the CAP facility.

- b. chromium primer hazardous waste on the ground near column 7887 at the components manufacturing facility at the CAP facility.
- c. hazardous resin and hazardous hardeners not captured in containers in Area PN47-53 Resin Crib at the CAP facility.
- d. chromium primer hazardous waste spilled in the paint booth at Plant 1 at the BC facility.

Failure to close hazardous waste accumulation containers

32. The regulation at 40 C.F.R. § 262.34(a)(1)(i), which is incorporated by reference at K.A.R. 28-31-262, requires that while being accumulated on-site, 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.

33. Pursuant to 40 C.F.R. § 265.173(a), as found in 40 C.F.R. Part 265, Subpart I, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

34. At the time of the inspections, the following hazardous waste accumulation containers were open:

- a. one hazardous waste compactor located outside in the Area W8 central accumulation area at the CMC facility.
- b. one hazardous waste compactor located in the central accumulation area at the CAP facility.
- c. one 5-gallon primer bucket in the flammable cabinet located in Area PN28 at the CAP facility.
- d. two lab pack boxes located in the lab pack building at the CAP facility.
- e. one 25-cubic yard roll-off container outside Building 15 at the BC facility.

Failure to date hazardous waste accumulation containers

35. The regulation at 40 C.F.R. § 262.34(a)(2), which is incorporated by reference at K.A.R. 28-31-262, requires generators to clearly mark the date upon which each period of accumulation began on each container.

36. At the time of the inspections, one 5-gallon primer bucket in the flammable cabinet located in Area PN28 at the CAP facility was not marked with the date upon which accumulation began.

Failure to label hazardous waste accumulation containers

37. The regulation at 40 C.F.R. § 262.34(a)(3), which is incorporated by reference at K.A.R. 28-31-262, requires generators to clearly mark each container of hazardous waste with the words "Hazardous Waste" while accumulating on-site.

38. At the time of the inspections, the following hazardous waste accumulation containers were not marked with the words “Hazardous Waste”:

- a. one 5-gallon primer bucket in the flammable cabinet located in Area PN28 at the CAP facility.
- b. five unmarked lab pack boxes located in the lab pack building at the CAP facility.

Satellite Accumulation

39. The regulation at 40 C.F.R. § 262.34(c)(1), which is incorporated by reference at K.A.R. 28-31-262, allows 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 complies with various handling requirements. This type of accumulation is known as “satellite accumulation”. At the time of the inspections, Respondent failed to comply with the following satellite accumulation requirements:

Failure to close satellite accumulation containers

40. The regulation at 40 C.F.R. § 262.34(c)(1)(i), which is incorporated by reference at K.A.R. 28-31-262, referencing 40 C.F.R. § 265.273(a), which is incorporated by reference at K.A.R. 28-31-273, allows a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the container holding hazardous waste is always closed during storage, except when it is necessary to add or remove waste.

41. At the time of the inspections, the following satellite accumulation containers containing hazardous waste were open:

- a. one 55-gallon container of aerosol cans in Area W7 at the CMC facility.
- b. one lamp crusher in Area W24 at the CMC facility.
- c. three cans for capturing drippage in Area PN47-53 Resin Crib at the CAP facility.
- d. one 30-gallon container of aerosol cans in Building 15 maintenance area at the BC facility.
- e. one 55-gallon container of cyanide liquids in Plant 1 at the BC facility.
- f. one 55-gallon container of trichloroethylene waste in Plant 1 at the BC facility.

Failure to label satellite accumulation containers

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

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

- a. one 10-gallon container located in Building W7 at the CMC facility.
- b. two oxygen cylinders in separate lab packs located at the CMC facility.
- c. one 20-gallon to 30-gallon container in Building W2 at the CMC facility.
- d. three cans for capturing drippage in Area PN47-53 Resin Crib at the CAP facility.
- e. one 5-gallon container at Plant 3 at the BC facility.
- f. one 55-gallon container in Building 46 A/B at the BC facility.
- g. one 5-gallon container in Building 90 at the BC facility.
- h. one 5-gallon container with hazardous waste solids in Plant 3, Building 36A at the BC facility.
- i. one 55-gallon container of waste paint related material in Building 46A/B the paint kitchen at the BC facility.
- j. one 5-gallon container of hazardous waste solids and debris in Building 90 at the BC facility.

Exceeding container limit at satellite accumulation area

44. The regulation at 40 C.F.R. § 262.34(c)(1), which is incorporated by reference at K.A.R. 28-31-262 and modified at K.A.R. 28-31-262(c)(6), allows a generator to accumulate as much as fifty-five (55) gallons of hazardous waste in a satellite accumulation area, provided the waste accumulates in no more than one container of each type of hazardous waste.

45. At the time of the inspections, three unemptied day containers located at the CAP facility exceeded the limitation of one container per waste stream.

46. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 30 through 45 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

47. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 24 above, as if fully set forth herein.

Failure to label universal waste containers

48. The regulations at 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).”

49. At the time of the inspections the following containers located at the CMC facility were not properly labeled or marked:

- a. one cylindrical container of 8-foot universal waste lamps.
- b. three containers of 2-foot lamps.
- c. four containers of 8-foot lamps.
- d. one container of 4-foot lamps.

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

Failure to date universal waste containers

51. The regulation at 40 C.F.R. § 273.15(c)(1), as incorporated by reference at K.A.R. 28-31-273, requires small quantity handlers of universal waste to demonstrate the length of time that the universal waste has accumulated from the date it becomes a waste or is received.

52. At the time of the inspections the following containers located at the CMC facility were not labeled with the earliest date that the universal waste in the container became a waste or was received:

- a. three containers of 2-foot lamps.
- b. five containers of 8-foot lamps.
- c. one container of 4-foot lamps.

53. Respondent's failure to label the universal waste containers described above with the earliest date that any universal waste in the container became a waste or was received is a violation of 40 C.F.R. § 273.15(c)(1), which is incorporated by reference at K.A.R. 28-31-273.

Failure to close universal waste containers

54. The regulation at 40 C.F.R. § 273.13(d)(1), as incorporated by reference at K.A.R. 28-31-273, requires 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.

55. At the time of the inspections the following containers located at the CMC facility were not closed to prevent releases and breakage:

- a. one container of 2-foot lamps.
- b. one container of 8-foot lamps.
- c. one container of 4-foot lamps.

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

Count 3
Failure to Comply with Used Oil Regulations

57. Complainant hereby incorporates the allegations contained in Paragraphs 18 through 24 above, as if fully set forth herein.

Failure to label used oil containers

58. The regulation at 40 C.F.R. § 279.22(c)(1), as incorporated by reference at K.A.R. 28-31-279, requires 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."

59. At the time of the inspections, the following used oil containers located at the CAP facility were not labeled or clearly marked:

- a. one 55-gallon container.
- b. three 5-gallon to 10-gallon containers.

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

CONSENT AGREEMENT

61. 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.

62. 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.

63. 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.

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

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

66. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *mdflesher@txtav.com*.

Penalty Payment

67. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of forty thousand five hundred and fourteen dollars (\$40,514), as set forth below.

68. 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 by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at *<http://www.epa.gov/financial/makepayment>*.

69. A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Kelley Catlin, Attorney
catlin.kelley@epa.gov.

70. 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).

Effect of Settlement and Reservation of Rights

71. 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.

72. 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.

73. 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.

74. 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.

75. Notwithstanding any other provision of this Consent Agreement and Final Order, 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.

76. 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.

77. 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.

78. 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

79. 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.

80. 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.

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

82. 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.

83. 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Kelley Catlin
Office of Regional Counsel

RESPONDENT:

Textron Aviation Inc.

9/11/25

Date



Signature

Matthew D. Flesher

Printed Name

Sr. Assoc. Gen. Counsel / Asst. Secy

Title

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 Office

Date

CERTIFICATE OF SERVICE

I certify that 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:

Kelley Catlin
Office of Regional Counsel
catlin.kelley@epa.gov

Ed Buckner
Enforcement and Compliance Assurance Division
buckner.edwin@epa.gov

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

Copy via Email to Respondent:

Matthew D. Flesher
Textron Aviation Inc.
mdflesher@txtav.com

Copy via Email to the State of Kansas:

Joe Dom, Director
Bureau of Waste Management
Kansas Department of Health and Environment
joe.dom@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