

FILED

May 22, 2025

6:20AM

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

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

In the Matter of:

Kawasaki Motors Manufacturing Corp.,
U.S.A.

Respondent

)
)
)
)
)
)
)

Docket No. RCRA-07-2025-0090

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Kawasaki Motors Manufacturing Corp., U.S.A. (“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 Section 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 Kawasaki Motors Manufacturing Corp., U.S.A., a corporation authorized to operate under the laws of Nebraska.

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. 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. The regulation at Nebraska Administrative Code (“Neb. Admin. Code”) Title 128 Chapter 1.103 defines “person” as any: individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

9. The regulation at Neb. Admin. Code Title 128 Chapter 1.052 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 Neb. Admin. Code Title 128 Chapter 1.125 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 Neb. Admin. Code Title 128 Chapter 1.042 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 in Neb. Admin. Code Title 128 Chapters 2 and 3. Solid waste is any discarded material that is not excluded by Section 008 of Chapter 2.

13. “Hazardous waste” is defined at Neb. Admin. Code Title 128 Chapter 1.062.

14. The regulation at Neb. Admin. Code Title 128 Chapter 2.008 identifies materials which are not solid wastes.

15. “Hazardous secondary material” generated and legitimately reclaimed within the United States or its territories and under the control of the generator is not a solid waste, provided that the conditions and requirements in 40 C.F.R. § 261.4(a)(23)(i) through (vii), which are adopted and incorporated by this reference, are met. Neb. Admin. Code Title 128 Chapter 2.008.25.

16. The regulation at 40 C.F.R. § 261.4(a)(23) sets forth the following conditions and requirements for hazardous secondary material which must be met to qualify for the exemption:

- a. The hazardous secondary material is generated and reclaimed at the generating facility. 40 C.F.R. § 261.4(a)(23)(i).
- b. The hazardous secondary material is contained as defined in § 260.10 of this chapter. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded and a solid waste. 40 C.F.R. § 261.4(a)(23)(ii)(A).
- c. The hazardous secondary material is not speculatively accumulated, as defined in § 261.1(c)(8). 40 C.F.R. § 261.4(a)(23)(ii)(B).
- d. Notice is provided as required by § 260.42 of this chapter. 40 C.F.R. § 261.4(a)(23)(ii)(C).
- e. The material is not otherwise subject to material-specific management conditions under paragraph (a) of this section when reclaimed, and it is not a spent lead-acid battery (see §§ 266.80 and 273.2 of this chapter). 40 C.F.R. § 261.4(a)(23)(ii)(D).
- f. Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all three factors in § 260.43(a) and how the factor in § 260.43(b) was considered. Documentation must be maintained for three years after the recycling operation has ceased. 40 C.F.R. § 261.4(a)(23)(ii)(E).
- g. The emergency preparedness and response requirements found in subpart M of this part are met. 40 C.F.R. § 261.4(a)(23)(ii)(F).

17. The regulation at Neb. Admin. Code Title 128 Chapter 1.060 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in

Chapter 3 of Title 128 or whose act first causes a hazardous waste to become subject to regulation.

18. The regulation at Neb. Admin. Code Title 128 Chapter 1.085 defines “large quantity generator” as a generator who generates in a calendar month, a total quantity of hazardous waste that is greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste.

19. The State of Nebraska has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and Nebraska has adopted by reference the federal regulations cited herein at pertinent parts of the Nebraska Administrative Code, Title 128, Chapters 4, 12 and 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. Whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the 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(a).

20. 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

21. Respondent is a corporation and authorized to conduct business within the State of Nebraska. Respondent is a “person” as defined in Neb. Admin. Code Title 128 Chapter 1.103 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

22. Respondent owns and operates a facility located at 6600 NW 27th Street, Lincoln, Nebraska (“facility”). Respondent manufactures consumer products, rail cars and aerospace equipment. Respondent employs approximately 2,800 people at this location.

23. On or about February 15, 2022, Respondent notified EPA of its regulated waste activity as a Large Quantity Generator (LQG) and has been assigned the following RCRA ID number: NED068652981.

24. On or about May 21-22, 2024, inspectors for EPA and Nebraska Department of Energy and the Environment 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.

25. At the time of the inspection, it was determined that Respondent generates the following wastes: ignitable waste (D001), corrosive waste (D002), barium (D005), chromium (D007), mercury (D009), benzene (D018), methyl ethyl ketone (D035), trichloroethylene (D040), spent halogenated solvents (F001), and spent nonhalogenated solvents (F003 and F005). These are solid and hazardous waste as defined at Neb. Admin. Code Chapters 2 and 3.

26. On or about March 27, 2025, EPA confirmed that Respondent had not notified that it was conducting hazardous secondary materials management activities pursuant to 40 C.F.R. § 261.4(a)(23)(ii)(C).

Violations

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

Count 1

Requirements for Large Quantity Generators of Hazardous Waste

28. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 26 above, as if fully set forth herein.

Condition of hazardous waste accumulation containers

29. The regulation at Neb. Admin. Code Title 128 Chapter 10-001 states that all of the requirements of this chapter apply to large quantity generators.

30. The regulation at Neb. Admin. Code Title 128 Chapter 10-004.01A1 states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in a container and that if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this chapter.

31. At the time of the inspection, the inspector observed nine, 55-gallon containers of methyl ethyl ketone hazardous waste in the outdoor container accumulation area that were bulging and rusting.

32. It is a violation of Neb. Admin. Code 128 Chapter 10-004.01A1 to accumulate hazardous waste in containers that are not in a good condition.

Tank management

33. The regulation at Neb. Admin. Code 128 Chapter 10-004.01B states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in tanks and the generator complies with the applicable requirements of Chapters 16 and 40 C.F.R. § Part 265 subparts J, AA, BB, and CC, as incorporated by reference in Chapter 22.

34. At the time of the inspection, Respondent was operating a solvent reclamation unit.

35. Materials accumulating in the unit are not solid waste if the generator complies with the conditions at 40 C.F.R. § 261.4(a)(23).

36. On or about March 23, 2025, EPA confirmed Respondent never notified as required by 40 C.F.R. § 261.4(a)(23)(ii)(C).

37. Respondent's failure to adequately comply with the exclusion to the definition of solid waste as it relates to the hazardous secondary material subjects the material in the unit to full RCRA regulation.

38. The regulation at 40 C.F.R. § 265 subpart BB requires hazardous waste equipment associated with the solvent reclamation unit be tagged, labeled, and inspected.

39. At the time of the inspection, Respondent had not tagged, labeled or inspect the solvent reclamation unit.

40. It is a violation of Neb. Admin. Code 128 Chapter 10-004.01B to fail to operate a tank in compliance with the provisions found at 40 C.F.R. § 265 subpart BB.

Preparedness Prevention: Minimizing possibility of fire, explosion or unplanned release of hazardous waste

41. The regulation at Neb. Admin. Code 128 Chapter 10-004.01H states that a generator must comply with the requirements for owners or operators in Chapter 17 (Preparedness and Prevention), among other provisions.

42. The regulation at Neb. Admin Code 128 Chapter 17-002 states that generator sites must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment.

43. At the time of the inspection, a 55-gallon container accumulating spent aerosol cans was located within six inches of a 480-volt electrical panel.

44. Spent aerosol containers are ignitable.

45. It is a violation of Neb. Admin. Code Title 128 Chapter 10-004.01H and Neb. Admin Code Title 128 Chapter 17-002 to operate a generator site in a manner that does not minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment.

Contingency Plan: Emergency Evacuation Route

46. The regulation at Neb. Admin. Code 128 Chapter 10-004.01H states that a generator must comply with the requirements for owners or operators in Chapter 18 (Contingency Plan and Emergency Procedures), among other provisions.

47. The regulation at Neb. Admin. Code 128 Chapter 18-003.06 states that the contingency plan must include among other things, an evacuation routes and alternative evacuation routes (in cases where primary routes could be blocked by releases of hazardous waste or fires).

48. At the time of the inspection, Respondent's Contingency Plan failed to identify the evacuation routes and alternative evacuation routes.

49. It is a violation of Neb. Admin. Code Title 128 Chapter 10-004.01H and Neb. Admin Code Title 128 Chapter 18-003.06 for a contingency plan to fail to contain all the required elements.

Satellite Accumulation

50. The regulation at Neb. Admin. Code 128 Chapter 10-005.01 states that a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with Section 004.01 of this Chapter provided the generator complies with section 004.01A2 and 005.01B, among other provisions.

51. The regulation at Neb. Admin. Code 128 Chapter 10-004.01A2 requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

52. The regulation at Neb. Admin. Code 128 Chapter 10-005.01B requires that a generator mark the containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.

53. At the time of the inspection, the inspector observed the following satellite accumulation containers that were not closed:

- a. Lamp crusher for mercury bulbs in the maintenance area; and
- b. A one-gallon bucket of D001 waste in the graphics dip tank area.

54. At the time of the inspection, the inspector captured a photograph of one satellite accumulation container located in the oil room in building 9 that was not clearly marked with the words "Hazardous Waste."

55. It is a violation of Neb. Admin. Code 128 Chapter 10-004.01A2 to accumulate hazardous waste in satellite accumulation containers that are not closed.

56. It is a violation of Neb. Admin. Code 128 Chapter 10-005.01B to accumulate hazardous waste in satellite accumulation containers that are not clearly marked with the words "Hazardous Waste."

CONSENT AGREEMENT

57. 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.

58. 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.

59. 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.

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

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

62. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *RLong@lcn.kmmfg.com*.

Penalty Payment

63. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Thirty-Eight Thousand Seven Hundred Forty-One Dollars (\$38,741), as set forth below.

64. 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>.

65. 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.

66. 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).

Compliance Actions

67. Respondent shall take the following actions within the time periods specified, according to the terms and conditions specified below.

68. Within thirty (30) days of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit an Initial Compliance Action Report to EPA, in accordance with Paragraph 69 below. Items with one (1) asterisk (*) next to them shall be included in the Initial Compliance Action Report. Within one (1) year of the Effective Date of this Consent Agreement and Final Order, Respondent shall submit a One Year Compliance Action Report to EPA. Items with two (2) asterisks (**) next to them shall be included in both the Initial and the One Year Compliance Action Report. The Compliance Action Reports shall include the following:

- a. Outdoor Central Accumulation Area:
 - i. * A narrative description of how containers in the central accumulation area will be managed to avoid bulging and rusting.
 - ii. * Photographs of the central accumulation area demonstrating containers are properly labeled, closed, and not bulging or rusting.
- b. Solvent Still near Paint Mix Room/Inside 90-Day Central Accumulation Area
 - i. Evidence the material complies with the provisions at 40 C.F.R. § 261.4(a)(23)(i) and (ii). Specific deliverables include:
 - 1. ** Documentation that the hazardous second material is generated and reclaimed at Respondent's facility located in Lincoln, Nebraska.
 - 2. ** Documentation that demonstrates the hazardous secondary material is contained as defined in 40 C.F.R. § 260.10.
 - 3. ** Documentation demonstrating the hazardous secondary material is not speculatively accumulated as defined at 40 C.F.R. § 261.1(c)(8).
 - 4. * Documentation that notice has been provided as required by 40 C.F.R. § 260.42.
 - 5. * Documentation demonstrating that material is not otherwise subject to material-specific management conditions under 40 C.F.R. § 261.4(a) when reclaimed, and it is not a spent lead-acid battery (see 40 C.F.R. §§ 266.80 and 273.2).
 - 6. ** Documentation demonstrating legitimacy determination and how the legitimacy determination will be maintained on-site. Documentation must be a written description of how the recycling meets all three factors in 40 C.F.R. § 260.43(a) and how the factor in 40 C.F.R. § 260.43(b) are considered.

Documentation must be maintained for three years after the recycling operation has ceased.

7. * Documentation demonstrating how the emergency preparedness and response requirements found in subpart M of part 261 are met.

69. Respondent shall submit all documentation generated to comply with the requirements as set forth in the immediately preceding paragraph to the following address:

Donald Melton, RCRA Section
Chemical Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
melton.donald@epa.gov

Effect of Settlement and Reservation of Rights

70. 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.

71. 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.

72. Respondent certifies by the signing of this Consent Agreement and Final Order that 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.

73. 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.

74. 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-Three Thousand Forty-Five Dollars (\$73,045) 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.

75. 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.

76. 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.

77. Nothing contained in 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

78. 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.

79. 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 filing 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.

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

81. 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.

82. 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.

83. The provisions of this Consent Agreement and Final Order shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the 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:

Kawasaki Motors Manufacturing Corp., U.S.A.

5/15/2025
Date

Ryan Long
Signature

Ryan Long
Printed Name

Engineering Assistant Manager
Title

FINAL ORDER

Pursuant to Section 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 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

Donald Melton
Enforcement and Compliance Assurance Division
melton.donald@epa.gov

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

Copy via Email to Respondent:

Ryan Long
Kawasaki Motors Manufacturing Corp., U.S.A.
RLong@lcn.kmmfg.com

Copy via Email to the State of Nebraska:

Nebraska Electronic Docket
ndeq.epainspections@nebraska.gov

Jeff Edwards
Nebraska Department of Environment and Energy
jeffery.edwards@nebraska.gov

Dated this _____ day of _____, _____.

Signed