

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

Learjet, Inc.)

One Learjet Way)
Wichita, Kansas 67209)

RCRA I.D. No. KSD007234313)

Respondent.)

Proceeding under Section 3008 (a) and (g) of)
the Resource Conservation and Recovery Act)
as amended, 42 U.S.C. § 6928(a) and (g).)

) COMPLAINT, COMPLIANCE
) ORDER AND NOTICE OF
) OPPORTUNITY FOR HEARING

) Docket No. RCRA-07-2005-0402

I. PRELIMINARY STATEMENT

This Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") is issued pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA" or "the Act"), and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. § 6928(a) and (g), and in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), Title 40 Code of Federal Regulations ("C.F.R.") Part 22.

The Complainant is the Chief of the RCRA Enforcement and State Programs Branch (RESP) of the United States Environmental Protection Agency ("EPA"), Region VII, who has been duly delegated the authority to bring this action. The Respondent is Learjet, Inc., a company incorporated under the laws of and authorized to conduct business in the State of Kansas.

The authority to execute this Complaint is provided to the Regional Administrators by EPA Delegation No. 8-9-A, dated May 11, 1984. The Regional Administrator has delegated this authority to the Chief of the RCRA Enforcement and State Programs Branch ("RESP") of EPA, Region VII, by EPA Delegation No. R7-DIV-8-9-A, dated June 15, 2005.

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 “KAR 28-31”). The regulations at 40 C.F.R., Part 265, Subpart W and Part 268 have not been adopted by the State of Kansas but are directly enforceable by EPA in the State of Kansas because they were promulgated pursuant to the 1984 Hazardous and Solid Waste Amendments to RCRA (“HSWA”). 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. When the 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 any RCRA requirement, where such violation occurs in a state which is authorized to implement 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).

Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$27,500 per day are now authorized for violations of Subchapter III of RCRA that occur after January 30, 1997 through March 15, 2004. A civil penalty of up to \$32,500 per day is authorized for violations that occur after March 15, 2004. Based upon the facts alleged in this Complaint and upon those factors which the Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA on June 23, 2003, and attached hereto, the Complainant proposes that Respondent be assessed a civil penalty pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in the Complaint. These factors include the seriousness of the violations, the threat of harm to public health or the environment, any good faith efforts of Respondent to comply with the applicable requirements, as well as other matters as justice may require. The proposed penalty may be adjusted if Respondent establishes bona fide issues relevant to the statutory factors for the assessment of the proposed penalty.

II. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

1. Learjet, Inc. (“Learjet” or “Respondent”), is a Delaware corporation authorized to conduct business in the State of Kansas and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

2. Learjet, Inc., located at One Learjet Way, Wichita, Kansas, is a manufacturer of business jets. Respondent employs approximately 2,500 people at its Wichita facility (“Respondent’s Facility”), and operates 24 hours per day, 5 days per week. Respondent has operated at this location since before 1980.
3. At all times pertinent to this Complaint, Respondent generated solid and hazardous waste from the manufacture and testing of business jets and various maintenance activities. Specifically related to this Complaint, Respondent generated the following solid and hazardous wastes: chromium-contaminated paint booth filters, methyl propyl ketone (MPK) solvent contaminated rags, alodine solution contaminated rags, alodine wipes, adhesive waste, mixing cups for epoxy resin, gloves, methyl ethyl ketone (MEK) solvent contaminated rags, jet fuel waste, fuel absorbent pads, lab pack waste, waste paint, waste-water treatment plant sludge, sand blast waste, universal waste lamps, and used oil.
4. The term “EPA generator” is defined to include any person who generates 1,000 kilograms or more of hazardous waste in a calendar month or who accumulates quantities greater than 1,000 kilograms at any time. KAR 28-31-2(c).
5. On or about March 21, 1990, Respondent submitted a notice of hazardous waste activity that indicated Respondent was a large quantity generator of hazardous waste, generating more than 1,000 kilograms of hazardous waste per month.
6. For all times relevant to this complaint, Respondent generated more than one thousand kilograms of hazardous waste per month, and was therefore an “EPA generator” of hazardous waste within the meaning of KAR 28-31-2(c).
7. Respondent’s Facility has been assigned facility identification number KSD007234313.
8. On or about May 25 through May 27, 2004, representatives of EPA and the Kansas Department of Health and Environment conducted a RCRA compliance evaluation inspection at the Respondent’s Facility (“May 2004 Inspection”).
9. On or about January 11, 2005, EPA issued a Letter of Warning and Request for Information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. Learjet provided a response dated February 11, 2005.

COUNT I
FAILURE TO CONDUCT A HAZARDOUS WASTE DETERMINATION

10. Paragraphs 1 through 9 of this Complaint are hereby incorporated by reference.

11. Pursuant to KAR 28-31-4(b) any person who generates solid waste shall determine if that waste is a hazardous waste.

12. Prior to March 2003, the following waste streams were handled by Respondent as hazardous wastes: Paint Booth Filter Waste, Spent MEK solvent rags, alodine rags and wipes, and chromium-contaminated paint masking waste. On or before March 2003, Respondent began commingling the above waste streams along with other waste streams in one 40-cubic yard container. A “grab” sample of the above waste streams was taken by Respondent and analyzed as a composite sample. The results of the Toxicity Characteristic Leaching Procedure (TCLP) analysis on the composite sample caused Respondent to begin handling and shipping the waste as non-hazardous.

13. At the time of the May 2004 inspection, Respondent was generating paint booth filter waste in buildings #6G, #9, and #14. The paint booth filters were used to filter air containing over-spray of the corrosion resistant epoxy primer that is applied to the aircraft. An MSDS obtained during the May 2004 inspection indicates that the primer contains chromium. Chromium exhibits the hazardous characteristic of toxicity, and the paint booth filter waste could potentially be a D007 hazardous waste under 40 C.F.R. § 261.24. Respondent conducted a composite TCLP analysis after the waste had been commingled with other waste streams and managed the waste as non-hazardous. Respondent had not conducted a hazardous waste determination prior to commingling the paint booth filter waste with other waste streams.

14. At the time of the May 2004 inspection, Respondent was generating rags contaminated with spent MEK solvent in the graphics department located in building #14. Spent MEK is an F005 hazardous waste under 40 C.F.R. § 261.31. Respondent conducted a composite TCLP analysis after the waste had been commingled with other waste streams and managed the waste as non-hazardous. Respondent had not conducted a hazardous waste determination prior to commingling the spent MEK rags with other waste streams.

15. At the time of the May 2004 inspection, Respondent was generating alodine solution contaminated rags and alodine wipes throughout the facility. An MSDS obtained during the May 2004 inspection indicates that the alodine rags and wipes are corrosive and contain chromium. Chromium exhibits the hazardous characteristic of toxicity, and alodine exhibits the hazardous characteristic of corrosivity. The alodine rags and wipes could potentially be a D002 and D007 hazardous waste under 40 C.F.R. §§ 261.22 and 261.24. This waste stream was collected in 55-gallon hazardous waste satellite accumulation containers and subsequently commingled with other waste streams in the 40-cubic yard container mentioned in paragraph 12 above. Respondent had not conducted a hazardous waste determination prior to commingling the alodine solution contaminated rags and alodine wipes with other waste streams.

16. At the time of the May 2004 inspection, Respondent was generating chromium-contaminated paint masking waste. Chromium exhibits the hazardous characteristic of toxicity, and the chromium contaminated paint masking waste could potentially be a D007 hazardous waste under 40 C.F.R. § 261.24. This waste stream was collected in 55-gallon hazardous waste satellite accumulation containers and subsequently commingled with other waste streams in the 40-cubic yard container mentioned in paragraph 12 above. Respondent had not conducted a hazardous waste determination prior to commingling the chromium-contaminated paint masking waste with other waste streams.

17. Respondent's failure to perform a hazardous waste determination on each solid waste prior to commingling the separate waste streams referred to in paragraphs 13 through 16 is a violation of KAR 28-31-4(b).

18. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and based upon the allegations above, it is proposed that a civil penalty of \$60,500 be assessed against Respondent for its failure to comply with KAR 28-31-4(b).

COUNT II
FAILURE TO COMPLY WITH THE MANIFEST SYSTEM,
FAILURE TO PROVIDE LDR NOTICE

19. Paragraphs 1 through 9 of this Complaint are hereby incorporated by reference.

Failure to Comply With the Manifest System

20. Pursuant to KAR 28-31-4(d)(1), a generator who transports hazardous waste or offers hazardous waste for transportation for offsite treatment, storage, or disposal must prepare and use a manifest with OMB control number 2050-0039 which complies with EPA form 8700-22, and if necessary, EPA form 8700-22A, according to the instructions included in the appendix to 40 C.F.R. Part 262.

21. Respondent was sending its rags contaminated with spent MEK solvent to Clean Harbors Lone Mountain located at Route 2 Box 170, Waynoka, Oklahoma. Spent MEK is an F005 hazardous waste under 40 C.F.R. § 261.31. Respondent was utilizing a hazardous waste manifest for each shipment of spent MEK contaminated rags to Clean Harbors, but had indicated on the manifest that the waste was non-hazardous and had not provided a proper US Department of Transportation (DOT) Description that included the proper shipping name,

Hazard Class, and ID number of the waste.

22. Respondent's offering of hazardous waste for transportation for offsite treatment, storage, or disposal without a proper manifest, is in violation of KAR 28-31-4(d)(1).

Failure to Provide Land Disposal Restriction Notice

23. Pursuant to 40 C.F.R. § 268.7, generators of hazardous waste must determine if the waste must be treated prior to land disposal. If the waste does not meet the treatment standards found in 40 C.F.R. § 268.40, a one-time written notice must be sent with the initial shipment of waste to each treatment, storage, or disposal facility receiving the waste (40 C.F.R. § 268.7(a)(2)). The notice must comply with the requirements in 40 C.F.R. § 268.7(a)(4).

24. At the time of the May 2004 inspection, Respondent was generating MEK solvent-contaminated rags and shipping them to a hazardous waste treatment or storage facility. Spent MEK is an F005 hazardous waste under 40 C.F.R. § 261.31. Respondent originally shipped the MEK solvent-contaminated rags as hazardous waste prior to June 2003, but at that time began shipping the waste as non-hazardous and failed to include the written Land Disposal Restriction (LDR) notice required by 40 C.F.R. § 268.7(a)(2).

25. Respondent's failure to provide a written Land Disposal Restriction notice to the treatment, storage, or disposal facility with the shipment of MEK solvent-contaminated rags is a violation of 40 C.F.R. Part 268.

26. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and based upon the allegations contained above, Complainant proposes that a civil penalty of \$27,158 be assessed against Respondent for offering hazardous waste for transportation for off-site treatment, storage, or disposal without a proper manifest and written LDR notice in violation of KAR 28-31-4(d)(1) and 40 C.F.R. § 268.7, respectively.

COUNT III

**OPERATING AS A TREATMENT, STORAGE, OR DISPOSAL FACILITY WITHOUT
RCRA PERMIT OR RCRA INTERIM STATUS**

27. Paragraphs 1 through 9 of this Complaint are hereby incorporated by reference.

28. The regulations at KAR 28-31-4(g), in pertinent part, state that an EPA generator may accumulate hazardous wastes on-site for 90 days or less without a permit or interim status if the generator complies with conditions (1) thru (4).

29. The regulations at KAR 28-31-4(j)(1) state, in pertinent part, that an EPA generator may accumulate as much as 55 gallons of each type of hazardous wastes or one quart of acutely hazardous waste in no more than one container at or near any point of generation where wastes initially accumulate, and which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with subsection (g) and (h) if the generator complies with KAR 28-31-4(j)(1)A and B.

Failure to Label Hazardous Waste

30. The regulations at KAR 28-31-4(j)(1)(B) concerning satellite accumulation areas state, in pertinent part, that an EPA generator must mark each container of hazardous waste with the words "Hazardous Waste."

31. At the time of the May 2004 inspection, Respondent had two satellite accumulation containers, one in Building 9 and one in Building 7, that were not labeled "Hazardous Waste" as required by KAR 28-31-4(j)(1)B.

Open Satellite Containers

32. The regulations at KAR 28-31-4(j)(1) and (j)(1)(A), addressing satellite accumulation areas provide, in pertinent part, that a Kansas or EPA generator may accumulate as much as 55 gallons of each type of hazardous waste at or near any point of generation without a permit or interim status if the generator complies with 40 CFR 265.173(a).

33. The regulation at 40 CFR § 265.173(a) requires that 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 May 2004 inspection, representatives of EPA observed a total of 17 satellite accumulation containers that were not closed:

- a. 1 in the Compactor Building;
- b. 1 in Building 9;

- c. 6 in Building 7;
- d. 1 in Building 7A;
- e. 4 in Building 14;
- f. 1 in Building 1;
- g. 1 in Building 3;
- h. 1 in Building 12; and
- i. 1 in the Maintenance Building.

Undated Hazardous Waste Containers

36. The regulations at KAR 28-31-4(g)(2), in pertinent part, state that an EPA generator may accumulate hazardous wastes on-site for 90 days or less if, among other requirements, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and tank.

37. At the time of the May 2004 inspection, representatives of EPA observed 200 Lab-Pack containers in the Hazardous Waste Storage Area that were not dated.

38. Respondent's failure to comply with the conditions set forth in KAR 28-31-4(g) and (j) is in violation of Section 3005 of RCRA, 42 U.S.C. § 6925.

39. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and based upon the allegations contained above, it is proposed that a civil penalty of \$59,723 be assessed against Respondent for its failure to comply with Section 3005 of RCRA and the regulations as described above.

COUNT IV

FAILURE TO LABEL AND DATE UNIVERSAL WASTE AND USED OIL

40. Paragraphs 1 through 9 of this Complaint are hereby incorporated by reference.

41. The regulations at KAR 28-31-15 concerning universal waste state that each owner or operator of a facility that manages universal waste shall comply with the requirement of 40 C.F.R. Part 273.

42. The regulations at KAR 28-31-16 state, in pertinent part, that used oil shall be subject to the management standards specified in 40 C.F.R. Part 279.

Failure to Label Universal Waste

43. Pursuant to 40 C.F.R. § 273.9, a universal waste lamp is defined as the bulb or tube portion of an electric lighting device. Pursuant to 40 C.F.R. § 273.14(e), each universal waste lamp or container must be labeled or marked clearly with the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

44. At the time of the May 2004 inspection, Respondent failed to label the following Universal Waste-Lamp containers:

- a. 2 in Building 7;
- b. 1 in Building 12;
- c. 1 in the Maintenance Building; and
- d. 13 in the Hazardous Waste Storage Area.

Failure to Label Used Oil

45. The regulations at 40 C.F.R. § 279.22(c) state that each container used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

46. At the time of the May 2004 inspection, Respondent failed to label two used oil containers, 1 each in Building 2 and Building 6, with the words “Used Oil.”

Undated Universal Waste Containers

47. The regulations at 40 C.F.R. § 273.15, in pertinent part, state that a small quantity handler of universal waste, such as waste electric lamps, may accumulate universal waste for no longer than one year from the date the universal waste is generated if, among other requirements, the small quantity handler demonstrates the length of accumulation of the universal waste by one of the following methods: (1) labeling the container, (2) labeling each individual item of universal waste, (3) maintaining an inventory system on-site, (4) placing the universal waste in a specific accumulation area and dating the beginning of accumulation, or (5) any other method which

clearly demonstrates the accumulation date of the universal waste.

48. At the time of the May 2004 inspection, Respondent failed to use one of the above methods to demonstrate the length of accumulation for the following universal waste lamp containers:

- a. 2 in Building 7;
- b. 1 in Building 12;
- c. 1 in the Maintenance Building; and
- d. 13 in the Hazardous Waste Storage Area.

49. Respondent's failure to comply with the conditions set forth in KAR 28-31-15, which incorporates the regulations found in 40 C.F.R. Part 273, and KAR 28-31-16, which incorporates the regulations found in 40 C.F.R. § 279.

50. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and based upon the allegations contained above, it is proposed that a civil penalty of \$2,416 be assessed against Respondent for its failure to comply with Section 3005 of RCRA and the regulations as described above.

III. COMPLIANCE ORDER

1. IT IS HEREBY ORDERED that within thirty (30) days of receipt of this Order, Respondent shall pay a penalty of \$149,797. Payment shall be made by certified or cashier's check payable to "Treasurer of the United States" and remitted to the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, P.O. Box 371099M, Pittsburgh, Pennsylvania 15251. A copy of said check shall be sent simultaneously by certified mail, return receipt requested, to:

Edwin G. Buckner, PE
Environmental Engineer
ARTD/RESP
U.S. EPA Region VII
901 N. 5th St.
Kansas City, Kansas 66101

The check must reference the EPA Docket Number of this Complaint and Respondent by name.

Under the authority in Section 3007 and 3008(a) of RCRA, 42 U.S.C. § 6927 and § 6928(a), IT IS FURTHER ORDERED that Respondent take the following actions:

2. Within thirty (30) days of the effective date of this Compliance Order, Respondent shall perform hazardous waste determinations on the waste streams described in Count I of the Complaint in accordance with 40 C.F.R. § 262.11, as incorporated by reference in KAR 28-31-4(b). Within seven (7) days of making a determination, Respondent shall submit to Edwin G. Buckner, at the address listed above, documentation showing the determination has been performed. Such documentation shall include the following:
 - a. A description of the process that generated the waste;
 - b. A determination of whether or not the waste has been excluded from regulation under 40 C.F.R. Part 261, as incorporated by reference at KAR 28-31-4(b);
 - c. A determination of whether or not the waste has been listed in Subpart D of 40 C.F.R. Part 261, as incorporated by reference at KAR 28-31-4(b); and
 - d. A determination of whether or not the waste is identified in 40 C.F.R. Part 261, Subpart C, as incorporated by reference at KAR 28-31-4(b). To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using the procedure set forth in Subpart C of 40 C.F.R. Part 261, or by applying knowledge of the waste characteristics based upon the material or processes used. If knowledge of the process is used, Respondent shall provide a detailed explanation regarding the basis for this knowledge.

3. Within fourteen (14) days of shipment of each waste identified in Count I of the Complaint, Respondent shall provide copies of all hazardous waste manifests to EPA to the attention of Mr. Buckner at the address set forth above. Respondent shall submit the manifests for a period of one year from the effective date of the Order showing that the wastes of the type described in Count I above have been properly manifested for off-site disposal. If, following the hazardous waste determination required by paragraph 2 above, any or all of the waste streams described in Count I are determined to be non-hazardous, Respondent does not have to provide copies of the manifests for waste that is determined to be non-hazardous.

4. Within thirty (30) days of the effective date of this Compliance Order, for each waste stream described in Count I of the Complaint that is determined to be hazardous following the procedures listed in paragraph 2 above, Respondent shall comply with the Land Disposal Restrictions in 40 C.F.R. Part 268. Respondent shall determine if the hazardous waste meets the treatment standards in 40 C.F.R. § 268.40, § 268.45, and § 268.49 utilizing the procedures found

in 40 C.F.R. § 268.7(a). If Respondent elects to use knowledge of the waste to determine whether treatment standards are met, Respondent must provide EPA with documentation of this determination. Respondent shall mail the treatment standard determinations required by this paragraph to the attention of Mr. Buckner at the address set forth above.

5. Within sixty (60) days of the effective date of this Compliance Order, Respondent shall provide copies of the LDR notifications for the waste described in Count I of the Complaint that is found to be hazardous. The LDR notifications shall be mailed to the attention of Mr. Buckner at the address set forth above.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b) the Compliance Order shall become final unless Respondent files an answer and requests a public hearing in writing no later than thirty (30) days after service of the Complaint.

A written answer to the Complaint must satisfy the requirements of 40 C.F.R. § 22.15 of the Consolidated Rules of Practice, a copy of which is attached hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk, U.S. EPA, Region VII, 901 N. 5th St., Kansas City, Kansas 66101. A copy of the answer and request for hearing and copies of any subsequent documents filed in this action should be sent to Jonathan W. Meyer, Office of Regional Counsel, at the same address.

Respondent's failure to file a written answer and request a hearing within thirty (30) days of service of this Complaint will constitute a binding admission of all allegations contained in the Complaint and a waiver of Respondent's right to a hearing. A Default Order may thereafter be issued by the Regional Judicial Officer, and the civil penalty proposed herein shall become due and payable without further proceedings.

The proposed penalty as set forth in the Complaint was developed based on the best available information at the time of issuance of this Complaint, and may be adjusted if the Respondent establishes bona fide issues of ability to pay, or other defenses relevant to the appropriate amount of the proposed penalty. In accordance with the RCRA Civil Penalty Policy, EPA prepared a penalty calculation summary explaining the reasoning behind the penalty proposed for the violation(s) alleged herein. The summary provided is an attachment to this Complaint and is adopted and incorporated by reference as if herein set forth.

V. SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case in an attempt to arrive at settlement. To request a settlement conference, please contact Jonathan W. Meyer, Office of Regional Counsel, U.S. EPA, Region VII, 901 N. 5th St., Kansas City, Kansas 66101, (913) 551-7140.

Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement as a result of an informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Final Order which may be issued by the Regional Judicial Officer, EPA Region VII.

If Respondent has neither filed an answer nor requested a hearing within thirty (30) days of service of this Complaint, Respondent may be found in default. Default by the Respondent constitutes, for the purposes of this proceeding, admission of all allegations made in the Complaint and a waiver of Respondent's right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalties proposed shall be ordered without further proceedings and Respondent will be notified that the penalties have become due and payable.

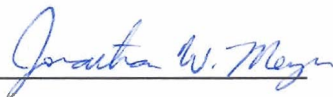
VI. EFFECTIVE DATE

This Complaint, Compliance Order, and Notice of Opportunity for Hearing shall become effective on the date signed by the Chief of the RCRA Enforcement and State Programs Branch (RESP), EPA Region VII.


This Order shall only be terminated upon receipt of written notice from EPA that all requirements herein have been satisfied.

IT IS SO ISSUED AND ORDERED:

9-30-05
Date


Jonathan W. Meyer
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region VII

9-30-05
Date


Don Toensing
Chief
RCRA Enforcement and State Programs Branch (RESP)
U.S. Environmental Protection Agency
Region VII

Attachments: Penalty Calculation Summary

Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits
RCRA Civil Penalty Policy (June 23, 2003)
Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand-delivered the original and one true copy of this Complaint, Compliance Order and Notice of Opportunity for Hearing to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

I further certify that on the date below I sent by certified mail, return receipt requested, a true and correct copy of the original Complaint, Compliance Order and Notice of Opportunity for Hearing; a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22; a copy of the RCRA Civil Penalty Policy (October 26, 1990); and a copy of the Civil Penalty Calculation Summary; and a copy of the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings to the following registered agent for Learjet, Inc.:

The Corporation Company, Inc.
515 South Kansas Ave.
Topeka, KS 66603-0000

I further certify that on the date noted below I sent a copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing by First Class Mail to:

William Bider, Director
Bureau of Waste Management
Kansas Department of Health and Environment
1000 Jackson, Suite 320
Topeka, KS 66612-1366

Dated this 3rd day of October, 2005.


Name