

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**TEXTRON INC.**

**AI # 10419**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.**

\* **Settlement Tracking No.**  
\* **SA-HE-23-0045**  
\*  
\* **Enforcement Tracking No.**  
\* **HE-PP-22-00632**  
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**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between Textron Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

**I**

Respondent is a corporation that owned and/or operated a ship, boat, and armored combat vehicle manufacturing facility located in New Orleans, Orleans Parish, Louisiana (“the Facility”).

**II**

On November 14, 2022, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. HE-PP-22-00632 (Exhibit 1).

**III**

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

**IV**

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which One Thousand Four Hundred Twenty-Two and 69/100 Dollars (\$1,422.69) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

#### V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

#### VI

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

#### VII

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for

issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Orleans Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in

accordance with the terms of this Settlement Agreement.

## XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**TEXTRON INC.**

BY: [Signature]  
(Signature)

Josh Wilkerson  
(Printed)

TITLE: EH&S Manager

THUS DONE AND SIGNED in duplicate original before me this 5<sup>th</sup> day of October, 20 23, at Slidell, LA, St. Tammany Parish.

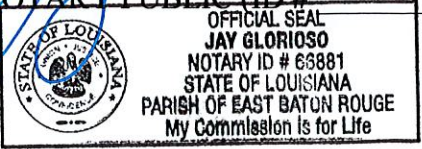
[Signature]  
NOTARY PUBLIC (ID # 159403)

Kyle Descant, ID# 159403,  
(stamped or printed)  
St. Tammany Parish  
My signature is my seal

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Roger W. Gingles, Secretary

BY: [Signature]  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 5<sup>th</sup> day of December, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)  
  
(stamped or printed)

Approved: [Signature]  
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

NOV 14 2022

CERTIFIED MAIL (7020 1290 0001 0463 0180)  
RETURN RECEIPT REQUESTED



**TEXTRON INC.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-22-00632  
AGENCY INTEREST NO. 10419**

Dear Sir/Madam:

On or about March 28, 2022, an inspection of **TEXTRON MARINE & LAND SYSTEMS**, a ship, boat, and armored combat vehicle manufacturing facility, owned and/or operated by **TEXTRON INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 19401 Chef Menteur Highway in New Orleans, Orleans Parish, Louisiana. The facility has notified the Department as a large quantity generator of hazardous waste and operates under the EPA Identification Number LAD148744493. However, a review of the facility's hazardous waste manifests during the inspection revealed that the facility was operating as a small quantity generator of hazardous waste.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to mark containers containing universal waste electronics with the words "Universal Waste—Electronics," "Waste Electronics," or "Used Electronics," in violation of LAC 33:V.3845.A.7. Specifically, two (2) containers containing damaged printers and computers located adjacent to the facility's Hazardous Waste Container Storage Area were not identified with the words "Universal Waste—Electronics," "Waste Electronics," or "Used Electronics." On or about March 31, 2022, a representative of the Respondent stated that a contractor had removed the two (2) containers from the facility.

Textron Inc.  
HE-PP-22-00632  
Page 2

- B. The Respondent failed to demonstrate the length of time that universal waste had been accumulated from the date it became a waste, in violation of LAC 33:V.3847.C. Specifically, the Respondent was unable to demonstrate the time of accumulation of containers containing universal waste in two (2) areas of the facility. These areas are as follows:
- i. Adjacent to the facility's Hazardous Waste Container Storage Area, two (2) containers containing damaged printers and computers were observed. The containers did not have a date or marking indicating the length of time that the universal waste had been accumulated. On or about March 31, 2022, a representative of the Respondent stated that a contractor had removed the containers from the facility.
  - ii. In the facility's Tool Room Satellite Accumulation Area, one (1) 5-gallon container containing universal waste batteries was observed. The container did not have a date or marking indicating the length of time that the universal waste had been accumulated. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that an accumulation start date label had been applied to the container.
- C. The Respondent failed to mark containers containing universal waste batteries with the words "Universal Waste—Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)," in violation of LAC 33:V.3845.A.1. Specifically, there were unlabeled containers containing universal waste batteries in two (2) areas of the facility. These areas are as follows:
- i. Outside of Building 2, between the Hazardous Waste Container Storage Area and Building 2, one (1) unlabeled container containing universal waste batteries was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Universal Waste—Batteries" had been applied to the container.
  - ii. In the facility's Tool Room Satellite Accumulation Area, one (1) unlabeled container containing universal waste batteries was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Used Batteries" had been applied to the container.
- D. The Respondent failed to mark or label containers holding hazardous waste at or near the point of generation where the waste initially accumulates with the words "Hazardous Waste," in violation of LAC 33:V.1011.A.5.a. Specifically, there were unlabeled containers containing hazardous waste in several areas of the facility. These areas are as follows:
- i. In the facility's Hazardous Waste Container Storage Area, one (1) unlabeled 55-gallon drum containing a hazardous waste paint/solvent mixture (D001 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum. In the same area of the facility, another unlabeled 55-gallon drum containing hazardous waste aerosol cans (D001

Textron Inc.  
HE-PP-22-00632  
Page 3

- hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent stated that the aerosol cans inside of the drum had been punctured and recycled, and that the drum had been removed from the storage area.
- ii. In the facility's Tie Down Rail Station Satellite Accumulation Area, one (1) unlabeled 30-gallon container containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the container.
  - iii. In the facility's Module Assembly Satellite Accumulation Area, one (1) unlabeled 55-gallon drum containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum. In the same area of the facility, one (1) unlabeled 30-gallon drum containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.
  - iv. In the facility's Craft Assembly (CAS) 4 Satellite Accumulation Area, one (1) unlabeled 30-gallon drum containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.
  - v. In the facility's Bay 2 Satellite Accumulation Area, one (1) unlabeled 55-gallon drum containing hazardous waste adhesives (D001 and D035 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.
  - vi. In the facility's Engine Module Assembly Satellite Accumulation Area, one (1) unlabeled 30-gallon drum containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.
  - vii. In the facility's Tool Room Satellite Accumulation Area, one (1) unlabeled 55-gallon drum containing hazardous waste aerosol cans (D001 hazardous waste) was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.
  - viii. In the facility's Paint Kitchen Satellite Accumulation Area, one (1) unlabeled 55-gallon drum containing a hazardous waste paint and solvent (D001, D007, D035, F003, and F005 hazardous waste) was



Textron Inc.  
HE-PP-22-00632  
Page 4

observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the words "Hazardous Waste" had been applied to the drum.

- E. The Respondent failed to mark or label containers holding hazardous waste at or near the point of generation where the waste initially accumulates with an indication of the hazards of the contents, in violation of LAC 33:V.1011.A.5.b. Specifically, there were containers containing hazardous waste in several areas of the facility which did not have an indication of the hazards of the contents. These areas are as follows:

- i. In the facility's Hazardous Waste Container Storage Area, one (1) 55-gallon drum containing a hazardous waste paint/solvent mixture (D001 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum. In the same area of the facility, another 55-gallon drum containing hazardous waste aerosol cans (D001 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent stated that the aerosol cans inside of the drum had been punctured and recycled, and that the drum had been removed from the storage area.
- ii. In the facility's Bay 2 Satellite Accumulation Area, one (1) 55-gallon drum containing hazardous waste adhesives (D001 and D035 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum.
- iii. In the facility's Engine Module Assembly Satellite Accumulation Area, one (1) 30-gallon drum containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum.
- iv. In the facility's Building 5 Satellite Accumulation Area, one (1) 55-gallon drum containing hazardous waste adhesives (D001 and D035 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum.
- v. In the facility's Building 9 Satellite Accumulation Area, one (1) 55-gallon drum containing hazardous waste adhesives (D001 and D035 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum.
- vi. In the facility's Tool Room Satellite Accumulation Area, one (1) 55-gallon drum containing hazardous waste aerosol cans (D001 hazardous

Textron Inc.  
HE-PP-22-00632  
Page 5

- waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum.
- vii. In the facility's Paint Kitchen Satellite Accumulation Area, one (1) 55-gallon drum containing a hazardous waste paint and solvent (D001, D007, D035, F003, and F005 hazardous waste) was not labeled with the hazards of its contents. On or about March 31, 2022, a representative of the Respondent submitted a photograph indicating that a label with the hazards of its contents had been applied to the drum. In the same area of the facility, one (1) 20-gallon container containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) had tape covering a label with the hazards of its contents. During the inspection, the tape was removed, making the label with the hazards of container's contents clearly visible.
- F. The Respondent failed to clearly mark or label aboveground containers used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, there were unlabeled containers containing used oil in two (2) areas of the facility. These areas are as follows:
- i. In the facility's Bay 2 Satellite Accumulation Area, one (1) unlabeled 5-gallon bucket containing used oil rags was observed. On or about March 31, 2022, a representative of the Respondent stated that they had begun managing the bucket containing used oil rags as hazardous waste.
- ii. In the facility's Maintenance Shop Satellite Accumulation Area, one (1) unlabeled 55-gallon drum containing used oil was observed. On or about March 31, 2022, a representative of the Respondent stated that the drum had been removed from the facility by a contractor.
- G. The Respondent failed to keep a container holding hazardous waste at or near the point of generation where the waste initially accumulates closed at all times, except when adding, removing, or consolidating waste, in violation of LAC 33:V.1011.A.4.a. Specifically, one (1) 30-gallon container containing hazardous waste solvent rags (D001, D035, F003, and F005 hazardous waste) located in the facility's Building 9 Satellite Accumulation Area was not properly closed. Waste was not being added, removed, or consolidated at the time the container was observed. On or about March 31, 2022, a representative of the Respondent submitted a photograph of the drum indicating that it had been properly closed.
- H. The Respondent failed to determine if generated solid waste is a hazard, in violation of LAC 33:V.1005.A. Specifically, a proper waste determination had not been made on the waste paint contained within two (2) 1-gallon containers located outside of the facility's Paint Kitchen Satellite Accumulation Area. On or about March 31, 2022, a representative of the Respondent stated that the containers were now being managed as hazardous waste and had been removed to a hazardous waste storage area.

Textron Inc.  
HE-PP-22-00632  
Page 6

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact William Heintz at (225) 219-9782 or William.Heintz@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

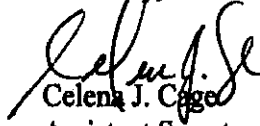
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

Textron Inc.  
HE-PP-22-00632  
Page 7

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celena J. Cage', is written over the printed name.

Celena J. Cage  
Assistant Secretary  
Office of Environmental Compliance

CJC/WJH/wjh  
Alt ID No. LAD148744493



**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
ENFORCEMENT DIVISION  
POST OFFICE BOX 4312  
BATON ROUGE, LOUISIANA 70821-4312**

**NOTICE OF POTENTIAL PENALTY  
REQUEST TO SETTLE (OPTIONAL)**

Enforcement Tracking No.	HE-PP-22-00632	Contact Name	William Heintz
Agency Interest (AI) No.	10419	Contact Phone No.	(225) 219-9782
Alternate ID No.	LAD148744493		
Respondent:	<b>TEXTRON INC.</b>	<b>Facility Name:</b>	Textron Marine & Land Systems
	c/o C T Corporation System	<b>Physical Location:</b>	19401 Chef Menteur Highway
	Agent for Service of Process		
	3867 Plaza Tower Dr. Baton Rouge, LA 70816	<b>City, State, Zip:</b> <b>Parish:</b>	New Orleans, LA 70129 Orleans

*(check the applicable option)*

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-22-00632), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (HE-PP-22-00632).
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (HE-PP-22-00632), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (HE-PP-22-00632) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821  
Attn: William Heintz