



***United States Attorney
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KAWASAKI RAIL CAR AGREES TO SETTLE ENVIRONMENTAL CLAIMS

PREET BHARARA, the United States Attorney for the Southern District of New York, and GEORGE PAVLOU, the Acting Administrator for Region 2 of the Environmental Protection Agency ("EPA"), announced today that the United States has filed and simultaneously settled a civil lawsuit against KAWASAKI RAIL CAR, INC. ("KAWASAKI") involving violations of the Resource Conservation and Recovery Act ("RCRA"). The Stipulation and Order, approved today in White Plains federal court by United States District Judge STEPHEN C. ROBINSON, requires KAWASAKI to pay \$130,000 in civil penalties.

According to the Complaint, KAWASAKI, located in the City of Yonkers, New York, owns and operates a facility that conducts component fabrication, assembly/sub-assembly operations, rehabilitation, and function testing of passenger rail cars. KAWASAKI employs approximately 300 people at the facility.

In the lawsuit, the United States charged that, at the time of inspections conducted by the Environmental Protection Agency ("EPA") in 2006, KAWASAKI violated RCRA by (1) failing to make hazardous waste determinations; (2) storing hazardous waste without having obtained a RCRA permit (or being exempted from the permitting requirement); and (3) failing to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste.

As a result of the EPA inspections in 2006, KAWASAKI has (1) identified all chemical and hazardous wastes (including about 3,000 pounds of waste paints and solvents and about 500 gallons of ignitable adhesives) stored at the facility and disposed of them properly; (2) performed an environmental audit

to improve its management of hazardous waste; and (3) taken all necessary steps to comply with the applicable RCRA requirements for storage and disposal of hazardous wastes. Today's settlement requires KAWASAKI to pay a monetary penalty of \$130,000 to the federal government for its past violations.

"This case shows that EPA is making sure facilities meet the requirements of federal hazardous waste law, and where we find problems, we take action," said EPA Acting Regional Administrator GEORGE PAVLOU. "Kawasaki will not only pay a penalty as a result of EPA's inspections, the company took steps to improve how it manages hazardous waste at its passenger rail car facility in Yonkers, New York."

"This settlement demonstrates the federal government's resolve to protect the public from the release of hazardous waste into the environment by industrial facilities that fail to properly manage and store dangerous materials," said United States Attorney PREET BHARARA.

Mr. BHARARA praised the investigative efforts of the EPA, and its effort to bring Kawasaki into compliance with RCRA and applicable federal regulations.

Assistant United States Attorney LARA K. ESHKENAZI is in charge of the case.

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