

**FILED**

**September 9, 2024**

**10:41AM**

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

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

**In the Matter of:**

Neenah Foundry Company  
dba Deeter Foundry Company  
5945 N 70th Street  
Lincoln, Nebraska 68507  
EPA ID NED007272701

)  
)  
)  
)  
)  
)  
)

**Docket No. RCRA-07-2024-0123**

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL ORDER**

---

**Respondent.**

**EXPEDITED SETTLEMENT AGREEMENT**

- 1) The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (“Agreement” or “ESA”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
- 2) The EPA has provided the State of Nebraska with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2).
- 3) Neenah Foundry Company dba Deeter Foundry Company (“Respondent”) is the owner or operator of the facility located at 5945 N 70th Street, Lincoln, Nebraska 68507 (“Facility”). The EPA inspected the Facility, on November 27-28, 2023. As a result of the findings during the inspection and additional investigation, the EPA alleges that Respondent violated the following requirements of the RCRA hazardous waste management program:
  - a. Title 128, Chapter 4, § 003.02 requires that a generator, not later than thirty days after any change in the information or status of any person as described to the Department or EPA in Section 003 of this Chapter, such person shall file an amended notification with the Department. The EPA determined that the respondent did not update the notification of regulated waste activity form within 30 days of a change in the site contact.
  - b. Title 128, Chapter 18 005.03, 40 C.F.R. § 265.54(d) requires that a generator must review and immediately amend the contingency plan whenever the list of emergency coordinators changes. The EPA determined that the respondent did not update the contingency plan when the emergency coordinator changed.
  - c. Title 128 Ch. 25 § 014, 40 C.F.R. § 273.15(c) requires that a small quantity handler of universal waste must be able to demonstrate the length of time that universal waste has been accumulated from the date it becomes a waste or is received. The EPA

determined that the respondent was not able to demonstrate the length of time of universal waste had been accumulated from the date it became a waste or was received, including four containers of universal waste lamps. The containers were dated with the month and year that the waste accumulation began, but not the full accumulation date.

- d. Title 128 Chapter 25, § 015, 40 C.F.R. § 273.16 requires that a small quantity handler of universal waste must train all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. The EPA determined that the respondent did not include universal waste as a topic in the training given to employees responsible for handling universal waste.
  - e. Title 128 Ch. 10 § 004.01A, 40 C.F.R. § 262.34(a)(1)(i) requires that generators place hazardous waste in containers. The EPA determined that the respondent did not place approximately 2-4 ounces of aerosol can residual waste (D001) in a container. The aerosol can residual hazardous waste was observed on the floor, walls, and equipment.
  - f. Title 128 Chapter 4, § 005.01A, 40 C.F.R. § 262.41 requires that a generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States and is subject to the requirements of Chapter 10 at any time during a calendar year must prepare and submit a Biennial Report for that Biennial reporting cycle, using forms furnished by DEQ, to the Director no later than March 1 of each even numbered year. The EPA determined that the respondent did not submit a Biennial Report by March 1 of 2020.
- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined, and Respondent agrees, that settlement of this matter for a civil penalty of seven thousand five hundred dollars (\$7,500.00) is in the public interest.
- 5) 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>.

- 6) 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

Milady Peters, Paralegal  
*peters.milady@epa.gov*.

- 7) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) consents to electronic service of the filed ESA to the following email address: *Craig.LeNoble@groupnei.com*. Respondent understands that the ESA will become publicly available upon filing.
- 8) Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order, and its right to appeal this Expedited Settlement Agreement and Final Order.
- 9) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) 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.
- 10)
- 11) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and to execute and legally bind Respondent to it.
- 12) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 13) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 14) Each party shall bear its own costs and fees, if any.
- 15) This Agreement is binding on the parties signing below.

IT IS SO AGREED,

CRAIG LENOBLE

Name (print)

ENVIRONMENTAL DIRECTOR

Title (print)



Signature

8/19/2024

Date

APPROVED BY EPA:

---

David Cozad  
Director  
Enforcement and Compliance Assurance Division

---

Date

---

Christopher Muehlberger, Attorney  
Office of Regional Counsel

---

Date

FINAL ORDER

Pursuant to the authority of 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 Expedited Settlement 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 Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement 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**  
**To be completed by EPA**

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of Neenah Foundry Company dba Deeter Foundry Company, EPA Docket No. RCRA-07-2024-0123, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel  
*Muehlberger.christopher@epa.gov*

Amy Thompson, Enforcement and Compliance Assurance Division  
*thompson.amy@epa.gov*

Milady Peters, Office of Regional Counsel  
*peters.milady@epa.gov*

Copy via e-mail to Respondent:

Craig LeNoble, Environmental Director  
Neenah Foundry Company  
DBA Deeter Foundry Company  
2121 Brooks Avenue  
Neenah, Wisconsin 54956  
[Craig.LeNoble@groupnei.com](mailto:Craig.LeNoble@groupnei.com)

Copy via e-mail to the State of Nebraska:

David Haldeman, Administrator (*david.haleman@ndeq.state.ne.us*)  
Waste Management Division  
Nebraska Department of Environment and Energy

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed