

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

<b>In the Matter of:</b>	)	
	)	
Vishay Dale Electronics, LLC,	)	
	)	
	)	<b>Docket No. RCRA-07-2024-0016</b>
	)	
<b>Respondent</b>	)	
	)	
	)	
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**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (Complainant) and Vishay Dale Electronics, LLC (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 Sections 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 a Delaware limited liability company duly authorized to conduct business in Nebraska, and is also a wholly owned subsidiary of Vishay Intertechnology, Inc., a

multinational company with its corporate headquarters in Pennsylvania.

4. Respondent is registered to do business as Vishay Dale Electronics, LLC.

#### **Statutory and Regulatory Framework**

5. 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.

6. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3001, 3002, 3005, and 3008 of RCRA, 42 U.S.C. §§ 6921, 6922, 6925, and 6927, 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.

7. Section 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

8. 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.

9. 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.

10. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

11. The regulation at 40 C.F.R. § 260.10 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).

12. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

13. The regulation at 40 C.F.R. § 260.10 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.

14. The regulation at 40 C.F.R. § 260.10 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.

15. “Solid waste” is defined at 40 C.F.R. § 261.2.

16. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

17. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

18. The regulation at 40 C.F.R. § 260.10 defines “small quantity generator” as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.

19. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

20. 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 the State of Nebraska has adopted by reference the federal regulations cited herein at pertinent parts of the Nebraska Administrative Code, Title 128 – Rules and Regulations Governing Hazardous Waste Management (hereinafter “128 N.A.C.”). 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

Nebraska has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

21. 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 \$117,468 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 6, 2023. 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**

22. Respondent is a Delaware limited liability company authorized to conduct business within the State of Nebraska.

23. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

24. Respondent’s facilities subject to this matter are located at:

- a. Plant 2: Vishay Dale Electronics, LLC, located at 1122 23<sup>rd</sup> Street, Columbus Nebraska, 68601.
- b. Plant 6: Vishay Dale Electronics, LLC, located at 2064 12th Avenue, Columbus, Nebraska 68601.

25. Respondent employs approximately 650 people.

26. On or about February 28, 1990, Respondent notified EPA, pursuant to Section 3010 of RCRA 42 U.S.C. § 6930, of its regulated waste activity as a Large Quantity Generator (LQG) at Plant 2 and obtained the following RCRA ID number: NED000822817. Respondent updated their standing as an LQG on March 1, 2022.

27. On or about February 27, 1990, Respondent notified EPA, pursuant to Section 3010 of RCRA 42 U.S.C. § 6930, of its regulated waste activity as an LQG at Plant 6 and obtained the following RCRA ID number: NED007265382. Respondent updated their standing as an LQG on March 1, 2022.

28. EPA inspectors conducted RCRA Compliance Evaluation Inspections at Plant 2 and Plant 6, on or about May 10, 2022, and on or about October 5-6, 2022, respectively. Based

on a review of the inspection reports and the information provided during the inspections (hereinafter “the inspections”) by facility personnel, EPA determined Respondent’s facilities’ generator status as follows:

- a. Respondent operates Plants 2 and 6, which are large quantity generators of hazardous solvents, caustics, and wipes. Both plants are small quantity handlers of universal waste lamps and generators of used oil.
- b. Plant 2 operates a solvent recovery still.
- c. Plant 6 generates F006 electroplating wastewater sludge.

### Violations

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

#### Count 1

#### Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status

30. Complainant hereby incorporates the allegations contained in Paragraphs 22 through 28 above, as if fully set forth herein.

31. Neb. Rev. Stat. 81-1505(13), Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 128 N.A.C. ch. 12, and 40 C.F.R. Part 270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

32. At the time of the inspection, Respondent did not have a permit or interim status.

#### *Accumulating hazardous waste longer than 90 days*

33. The regulations at 128 N.A.C. ch. 10 § 004.01, state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 128 N.A.C. § ch. 10 § 004.01 are met. If a generator fails to comply with any of these conditions, the generator is not allowed to accumulate hazardous waste at their facility for any length of time. Respondent failed to comply with the following conditions:

34. At the time of the inspection, the Respondent had accumulated the following hazardous wastes for longer than 90 days:

- a. Filled 15-gallon container of LDI Strip 77 dated 02/25/2022
- b. Filled 15-gallon container of LDI Strip 77 dated 02/25/2022

- c. Filled 15-gallon container of LDI Strip 77 dated 02/25/2022
- d. Filled 55-gallon container of Alkaline Cleaner Wash dated 06/02/2022
- e. Filled 55-gallon container of Ferric Chloride Solution dated 01/28/2022
- f. Filled 55-gallon container of Ferric Chloride Solution dated 12/27/2021
- g. Filled 55-gallon container of Contaminated Solvent Wipes dated 03/03/2022

*Failure to conduct weekly hazardous waste inspections*

35. The regulations at 128 N.A.C. § ch. 10 § 004.01A4, require that while being accumulated on-site, the hazardous waste must be placed in containers and the generator must inspect areas where containers are stored, at least weekly, for leaks and for deterioration caused by corrosion and other factors.

36. At the time of the inspections, Respondent failed to weekly inspect Plant 2 Central Accumulation Area (CAA), since July 15, 2021, and failed to weekly inspect Plant 6 CAA since June 10, 2021.

*Failure to store hazardous waste in containers that are in good condition*

37. The regulations at 128 N.A.C. § ch. 10 § 004.01A1 require 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 the 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.

38. At the time of the inspection, the Respondent failed to maintain an acetone waste container in good condition at Plant 2 CAA:

*Storage of incompatible wastes*

39. The regulations at 128 N.A.C. ch. 10 § 004.01A5, require that while being accumulated on-site, the hazardous waste must be placed in containers and the generator must comply with the applicable requirements of 128 N.A.C. ch. 16 § 002.01B.

40. Pursuant to 128 N.A.C. ch. 16 § 002.01B, a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

41. At the time of the inspection, the Respondent failed to separate incompatible wastes in Plant 2 CAA. Specifically, three full 55-gallon blue plastic drums of corrosive flux waste (hydrochloric acid and ammonium chloride) (D002, D008) were accumulating in the same area as three full 55-gallon blue steel drums of acetone paint waste (D001, F003).

*Failure to label laundered wipes*

42. The regulations at 128 N.A.C. ch. 2 § 008.24, which incorporate 40 C.F.R. § 261.4(a)(26)(i), and reference 40 C.F.R. § 261.4(a)(26)(ii), require solvent-contaminated wipes, when accumulated, stored, and transported, to be contained in non-leaking, closed containers that are labeled. At the time of the inspection, the Respondent failed to correctly label laundered wipes at Plant 2 including 10-gallon step containers for laundered shop towels contaminated with toluene (F003 and F005).

*Failure to close hazardous waste accumulation containers*

43. The regulations at 128 N.A.C. ch. 10 § 004.01A2, require that while being accumulated on-site, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

44. At the time of the inspections, the following hazardous waste accumulation containers were open:

- a. Plant 2 Still Room: two bags of acetone still bottoms.
- b. Plant 2 CAA: one drum of ignitable acetone waste and one drum of corrosive waste flux.
- c. Plant 6: wastewater treatment sludge on three different containers

*Failure to date hazardous waste accumulation containers*

45. The regulations at 128 N.A.C. ch. 10 § 004.01F require generators to clearly mark the date upon which each period of hazardous waste accumulation began on each container.

46. At the time of the inspections, the following hazardous waste accumulation containers were not marked with the date upon which accumulation began:

- a. Plant 2: failure to date one drum of acetone waste, two drums of bead blast waste, and one drum of waste flux in the CAA.
- b. Plant 6: failure to date two filled 15-gallon containers of SDI Strip 77; one filled 15-gallon container of SDI Strip 77 hazardous waste; one less than five percent filled 55-gallon container of contaminated solvent wipes; and one drum of Alkaline Cleaner waste.

*Failure to label hazardous waste accumulation containers*

47. The regulations at 128 N.A.C. ch. 10 § 004.01G require generators to clearly mark each container of hazardous waste with the words "Hazardous Waste" while accumulating on site.

48. At the time of the inspections, the following hazardous waste accumulation containers were not marked with the words "Hazardous Waste":

- a. Plant 2: two acetone still bottom bags and four bottles of waste paint in the Still Room.
- b. Plant 6: one drum of Alkaline Cleaner Waste (D002) in the CAA.

*Failure to maintain and operate*

49. The regulations at 128 N.A.C. ch. 10 § 004.01H, references 128 N.A.C. ch. 17 § 002 which require facilities to 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 air, soil, or surface water which could threaten human health or the environment.

50. At the time of the inspection, it was observed that an SAA on the south wall of the Coating Room had a black 10-gallon step can for laundered shop towels, a red 10-gallon step can for disposable solvent-contaminated wipes, a five-gallon container for waste acetone and IPA, and a 30-gallon drum for waste toluene and xylene. This SAA was located next to unprotected electrical outlets on the wall. Toluene/xylene waste was identified on the drums, wall, and floor, presenting a possibility of a fire or release to the environment which could threaten human health or the environment.

*Failure to equip*

51. The regulations at 128 N.A.C. ch. 10 § 004.01H, references 128 N.A.C. ch. 17 § 003.03 which require facilities to be equipped with portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), necessary safety equipment, control equipment, and decontamination equipment.

52. At the time of the inspection, it was discovered that Respondent did not have a fire extinguisher or firefighting chemicals in the CAA at Plant 2.

**CONSENT AGREEMENT**

53. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent(s):

- 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.

54. 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, and performance of the compliance actions described below.

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

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

57. Respondent consents to electronic service of the filed Consent Agreement and Final Order to the following email address: *todd@askinlaw.com* and *brian.ferland@vishay.com*. Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

### **Penalty Payment**

58. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a mitigated civil penalty of Three Hundred Eighty-Seven Thousand Dollars (\$387,000) as set forth in this Consent Agreement and Final Order.

59. 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>.

### **Compliance Actions**

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

61. Respondent shall submit four Quarterly Compliance Reports to EPA, in accordance with Paragraphs below. The first quarterly submission shall be submitted within ninety (90) days of the filing date of the Consent Agreement and Final Order. The subsequent submissions shall be submitted 90 days after the previous submission. The Quarterly Compliance Report shall include the following:

- a. A narrative description with supporting documentation, including photographs, to show all solvent-contaminated wipes containers are labeled with the words "Excluded Solvent-Contaminated Wipes" pursuant to Title 128, Chapter 2, 008.24.
- b. A narrative description with supporting documentation, including photographs, to show all hazardous waste central accumulation containers are on site no longer than 90 days pursuant to Title 128, Chapter 10, 004.01.
- c. A narrative description with supporting documentation, including photographs, to show that all hazardous waste is accumulated in containers, the containers are in good condition, the containers are closed, the container central accumulation areas are inspected weekly, and the containers are separated from incompatible materials pursuant to Title 128, Chapter 10, 004.01A.
- d. A narrative description with supporting documentation, including photographs, to show all hazardous waste central accumulation containers have the accumulation start date clearly marked thereon and visible for inspection pursuant to Title 128, Chapter 10, 004.01F.
- e. A narrative description with supporting documentation, including photographs, to show all hazardous waste accumulation containers are labeled with the words "Hazardous Waste" pursuant to Title 128, Chapter 10, 004.01G.
- f. A narrative description with supporting documentation, including photographs, to show all hazardous waste satellite accumulation areas, the Plant 2 Still Room, and the Plant 6 filter press area are being operated to minimize releases of hazardous waste pursuant to Title 128, Chapter 10, 004.01H which references Chapter 17, 002.

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

Edwin Buckner, RCRA Section  
Chemical Branch  
Enforcement and Compliance Assurance Division  
*buckner.edwin@epa.gov* .

### **Effect of Settlement and Reservation of Rights**

63. 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.

64. 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.

65. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of its knowledge, 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.

66. 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.

67. 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 Thousand Seven Hundred Fifty-Two Dollars (\$70,752) 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.

68. 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.

69. 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.

70. Nothing contained in the Final Order portion of 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**

71. 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.

72. 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 the filing of the Final Order 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.

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

74. 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.

75. 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.

76. 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

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David Cozad  
Director  
Enforcement and Compliance Assurance Division

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Date

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Anna Landis  
Office of Regional Counsel

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Date

RESPONDENT:

Brian Ferland  
Vishay Dale Electronics, LLC  
1122 23<sup>rd</sup> Street  
Columbus, Nebraska 68601

        *R*    *W*          
Brian Ferland

        08 FEB 2024          
Date

        BRIAN FERLAND          
Printed Name

    
Senior Vice President, Division Head  
Resistors Division

**FINAL ORDER**

Pursuant to Sections 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**  
*(For EPA use only.)*

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Vishay Dale Electronics, LLC, EPA Docket No. RCRA-07-2024-0016, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Anna Landis  
Office of Regional Counsel  
*landis.anna@epa.gov*

Ed Buckner  
Enforcement and Compliance Assurance Division  
*buckner.edwin@epa.gov*

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

Copy via Email to Respondent:

Brian Ferland  
Vishay Dale Electronics, LLC  
1122 23rd Street  
Columbus, Nebraska 68601  
*Brian.ferland@vishay.com*

Todd M. Hooker  
Attorney  
Askin & Hooker, LLC  
200 Woodport Road  
Sparta, New Jersey 07871  
*Todd@askinlaw.com*

AND

Copy via Email to the State of Nebraska:

Nebraska Electronic Docket (e-copy)  
*ndeq.epainspections@nebraska.gov*

David Haldeman, Administrator (e-copy)  
Waste Management Division  
Nebraska Department of Environment and Energy  
*david.haldeman@nebraska.gov*

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

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

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Signed

