

FILED

September 24, 2025

2:54 P.M. PST

**U.S. EPA REGION 10
HEARING CLERK**

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CAA-10-2025-0127
)	
WALLA WALLA FOUNDRY, INC.,)	CONSENT AGREEMENT
)	
Walla Walla, Washington,)	
)	
Respondent.)	
)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d).

1.2. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and Walla Walla Foundry, Inc. (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of the CAA is proposed to be assessed.

2.3. EPA and the United States Department of Justice jointly determined, pursuant to 42 U.S.C. § 7413(d) and 40 C.F.R. § 19.4, that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty action.

2.4. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of the CAA together with the specific provisions of the CAA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Pursuant to Section 112(c), (d), and (k) of the CAA, 42 U.S.C. § 7412(c), (d), and (k), EPA is required to publish a list of categories of “stationary sources” of hazardous air pollutants (“HAPs”), and to promulgate regulations establishing emission standards for major sources and certain area sources within those categories. These standards are known as the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, and are codified at 40 C.F.R. Part 63.

3.2. “Stationary source” under Section 112 of the CAA is defined to mean “any building, structure, facility, or installation which emits or may emit any air pollutant.” 42 U.S.C. §§ 7412(a)(3) and 7411(a)(3).

3.3. Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), and 40 C.F.R. §§ 63.2 and 63.11170(b) define “major source” as any stationary source, or group of stationary sources, located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any single HAP or 25 tons per year or more of any combination of HAPs. An “area source” of HAP is any source that is not a “major source.” 42 U.S.C. § 7412(a)(2), and 40 C.F.R. §§ 63.2 and 63.11170(b).

3.4. HAPs are defined at 40 C.F.R. § 63.2 to mean pollutants listed in, or pursuant to, Section 112(b) of the CAA, 42 U.S.C. § 7412(b).

3.5. “New source” is defined as “a stationary source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under [Section 112 of the CAA] establishing an emission standard applicable to such source.” 42 U.S.C. § 7412(a)(4); see also 40 C.F.R. § 63.2.

3.6. “Existing source” means any stationary source other than a new source. 42 U.S.C. § 7412(a)(10); see also 40 C.F.R. § 63.2.

3.7. An “affected source” is defined as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a CAA Section 112(c) source category or subcategory for which a CAA Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the CAA. 40 C.F.R. § 63.2.

3.8. The term “owner or operator” is defined at CAA Section 112, 42 U.S.C. § 7412 and 40 C.F.R. § 63.2 to mean “any person who owns, leases, operates, controls, or supervises a stationary source.”

3.9. Pursuant to 40 C.F.R. § 63.4(a)(1), no owner or operator shall operate any “affected source” in violation of an applicable NESHAP, except under an extension of compliance or exemption from compliance as provided in that section or in CAA Section 112(i)(4), 42 U.S.C. § 7412(i)(4).

3.10. Pursuant to 40 C.F.R. § 63.4(a)(2), no owner or operator shall fail to keep records, notify, report, or revise reports as required under an applicable NESHAP.

NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area

Sources

3.11. The NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, promulgated as Part 63, Subpart HHHHHH (“NESHAP 6H”), and codified at 40 C.F.R. §§ 63.11169-63.11180, establishes HAP emissions standards for certain paint stripping and surface coating activities.

3.12. The owner or operator of a facility is required to comply with the requirements set forth in NESHAP 6H if it operates an area source of HAP and conducts a covered activity pursuant to 40 C.F.R. §§ 63.11169(a)-(d) and 63.11170(a)(1)-(3).

3.13. The spray application of coatings containing compounds of chromium, lead, manganese, nickel, or cadmium to any part or product made of metal and/or plastic, constitutes a covered activity pursuant to 40 C.F.R. §§ 63.11169(c) and 63.11170(a)(3).

3.14. Under NESHAP 6H, the affected source is the collection of mixing rooms and equipment; spray booths, ventilated prep stations, curing ovens, and associated equipment; spray guns and associated equipment; equipment used for storage, handling, recovery, or recycling of cleaning solvent or waste paint; and equipment used for paint stripping at paint stripping facilities using paint strippers containing MeCl. Not all affected sources will contain all these items. 40 C.F.R. § 63.11171(b).

3.15. An affected source is a new source under NESHAP 6H if new paint stripping or surface coating equipment was installed after September 17, 2007, excepting the installation of spray booths, enclosed spray gun cleaners, paint stripping equipment to reduce MeCl emissions, or purchasing new spray guns to comply with this subpart at an existing source.

40 C.F.R. § 63.11171(c). An affected source is a reconstructed source if it meets the definition of reconstruction in 40 C.F.R. § 63.2. 40 C.F.R. § 63.11171(d). An affected source is an existing source if it is neither a new nor reconstructed source. 40 C.F.R. § 63.11171(e).

3.16. Pursuant to 40 C.F.R. § 63.11172(a)(1) and (2), the compliance date for a new or reconstructed affected source is January 9, 2008, or where startup occurs after that date, then the compliance date is the date of initial startup of the affected source.

3.17. The term “initial startup” is defined in 40 C.F.R. § 63.11180 to mean “the first time equipment is brought online in a paint stripping or surface coating operation, and paint stripping or surface coating is first performed.”

3.18. Pursuant to 40 C.F.R. § 63.11173(e)(1), facilities conducting miscellaneous surface coating operations are prohibited from having any spray application of surface coating applied by any person who is not certified and trained. Minimum substantive requirements for proper certification and training include the proper spray application of surface coatings and the proper setup and maintenance of spray equipment pursuant to 40 C.F.R. § 63.11173(f).

3.19. Pursuant to 40 C.F.R. § 63.1113(g), new and existing sources must train and certify all new hires no later than 180 days after hiring. An employee’s training and certification is valid for up to five years, at which point personnel must receive refresher training and re-certification.

NESHAP for Iron and Steel Foundries Area Sources

3.20. The NESHAP for Iron and Steel Foundries Area Sources, promulgated as Part 63, Subpart ZZZZZ (“NESHAP 5Z”), and codified at 40 C.F.R. §§ 63.10880-63.10906, establishes hazardous air pollutant emissions standards for certain iron and steel foundries.

3.21. An owner or operator of an iron and steel foundry is required to comply with NESHAP 5Z when the foundry is an area source of HAPs, subject to exceptions not relevant here. 40 C.F.R. § 63.10880.

3.22. The term “iron and steel foundry” is defined in 40 C.F.R. § 63.10906 to mean “a facility or portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final chape products for introduction into commerce.” This definition excludes “operations associated with nonferrous metal production” and other operations not relevant here.

3.23. The affected source is each iron and steel foundry. 40 C.F.R. § 63.10880(b).

3.24. An affected source is “new” if construction or reconstruction of the affected source commenced on or after September 17, 2007. 40 C.F.R. § 63.10880(b).

3.25. Pursuant to 40 C.F.R. § 63.10890(f), the owner or operator of a small foundry subject to NESHAP 5Z must submit semiannual reports to the EPA. Those reports must comply with 40 C.F.R. § 63.10899(c), (f), and (g) except that 40 C.F.R. § 63.10899(c)(5) and (7) do not apply.

Factual Allegations

3.26. Respondent is a corporation doing business in the State of Washington.

3.27. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

3.28. Respondent is the owner and operator of Walla Walla Foundry, Inc., located at 405 Woodland Avenue in Walla Walla, Washington (“Walla Walla Foundry”).

3.29. On May 24, 2023, EPA conducted a CAA compliance evaluation inspection at Walla Walla Foundry, pursuant to Section 114(a)(2) of the CAA, 42 U.S.C. § 7414(a)(2).

3.30. Walla Walla Foundry casts sculptures from ferrous and non-ferrous metal alloys, in addition to other mediums and manufacturing processes.

3.31. Chromium compounds, nickel compounds, manganese compounds, lead compounds, cobalt compounds, cumene, xylenes, styrene, hexamethylene-1,6-diisocyanate, methanol, methyl isobutyl ketone, naphthalene, hexane, and methyl methacrylate are HAPs, listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), and are released to the atmosphere at Walla Walla Foundry in quantities below the “major source” thresholds found in Section 112(a)(1) of the CAA, 42 U.S.C. § 7412(a)(1), and 40 C.F.R. §§ 63.2 and 63.11170(b).

3.32. Walla Walla Foundry is a “stationary source” and an “area source” of HAPs as those terms are defined in NESHAP 6H and NESHAP 5Z.

NESHAP 6H: Counts 1 and 2

3.33. Walla Walla Foundry is a miscellaneous surface coating operation as that term is defined in 40 C.F.R. § 63.11180, where painters have performed spray application of surface coatings at all times relevant to this Consent Agreement.

3.34. Respondent conducted spray applications with paint products that contain chromium and nickel to products made of metal and/or plastic at Walla Walla Foundry intermittently between July 23, 2020 to August 9, 2022 for a maximum of ten days.

3.35. Chromium and nickel are “target HAPs” as defined in 40 C.F.R. § 63.11180.

3.36. Respondent was therefore a new source required to come into compliance with NESHAP 6H no later than July 23, 2020 pursuant to 40 C.F.R. § 63.11172.

3.37. Respondent submitted an initial notification and notification of its compliance status for NESHAP 6H on December 13, 2024.

3.38. Therefore, Respondent violated 40 C.F.R. § 63.11172 by failing to submit an initial notification and notification of compliance by July 23, 2020.

3.39. Between July 23, 2020 to August 9, 2022, none of Respondent's painters were trained and certified according to the minimum requirements described in 40 C.F.R. § 63.11173(f).

3.40. Therefore, Respondent violated 40 C.F.R. § 63.11173(e)(1) by failing to train its painters prior to conducting any spray application of surface coating.

NESHAP 5Z: Count 3

3.41. Since no later than October 31, 2013, Respondent has operated Walla Walla Foundry as a steel foundry and an area source of HAPs.

3.42. Therefore, Walla Walla Foundry is subject to the requirements of NESHAP 5Z.

3.43. Respondent failed to submit semiannual compliance reports pursuant to 40 C.F.R. § 63.10890(f) in 2020, 2021, 2022, 2023, and 2024.

3.44. Therefore, Respondent violated 40 C.F.R. § 63.10890(f) by failing to submit semiannual compliance reports.

3.45. Under Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$59,114 per day of violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$78,480 (the “Assessed Penalty”). Based on Respondent’s documented inability to pay claim, and in accordance with applicable laws, EPA and Respondent have agreed that an appropriate schedule for payment and interest rate accrual is as follows:

- a. The Assessed Penalty will be paid in two installments, in order to complete payment of the entire Assessed Penalty and interest, which is assessed at the Internal Revenue Services (IRS) standard underpayment rate. Including the Assessed Penalty and interest, the total amount that will be paid upon completion of all payments will be \$79,769.
- b. The first payment is due within thirty days after the effective date of the Final Order. The principal amount due for the first payment shall be \$39,240. No interest shall be due for this payment.
- c. Respondent’s second and final payment shall thereafter be due 180 days from the effective date of the Final Order. The principal amount due for this payment shall be \$39,240. The total interest due for this payment shall be \$1,289. The total amount due for this payment shall be \$40,529.
- d. Notwithstanding Respondent’s agreement to pay the Assessed Penalty in accordance with the installment schedule set forth above, Respondent may pay the entire Assessed Penalty of \$78,480 within thirty days of the effective date of the Final Order and, thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a).

4.4. Payments under this Consent Agreement and the Final Order shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment its name and the docket number of this action.

4.5. Concurrently with all payments or within 24 hours of any payment, Respondent must serve copies of proof of payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Brendan Whyte
U.S. Environmental Protection Agency
Region 10
Via electronic mail to:
Whyte.Brendan@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the receipt or confirmation of payment method, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.6. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant

to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

a. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7413(d)(5), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

4.8. The Assessed Penalty, interest, and any additional costs incurred under Paragraph 4.7, represent an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.9. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines,

Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at www.irs.gov/pub/irs-pdf/fw9.pdf.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Division at Henderson.Jessica@epa.gov, within 30 days after the effective date of the Final Order. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide

EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five days of Respondent's receipt of a TIN issued by the IRS.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order.

4.15. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.16. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.17. The above provisions in Part IV are STIPULATED AND AGREED upon by
Respondent and EPA Region 10.

DATED:

9-17-2025

FOR RESPONDENT:

A handwritten signature in cursive script, appearing to read "Lisa Anderson", written over a horizontal line.

LISA ANDERSON, Owner
Walla Walla Foundry, Inc.

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

4.17. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

LISA ANDERSON, Owner
Walla Walla Foundry, Inc.

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. CAA-10-2025-0127
)	
WALLA WALLA FOUNDRY, INC.,)	FINAL ORDER
)	
Walla Walla, Washington)	
)	
Respondent.)	
)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under the CAA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of the CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Walla Walla Foundry, Inc., Docket No.: CAA-10-2025-0127**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Shirin Gallagher
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Gallagher.Shirin@epa.gov

Lisa Anderson
Owner
Walla Walla Foundry, Inc.
405 Woodland Avenue
Walla Walla, WA 99362

lisa@wallawallafoundry.com

Regional Hearing Clerk
EPA Region 10