

FILED

Jun 13, 2025

9:42 am

**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Docket No.: **RCRA-05-2025-0019**

Fincantieri Marinette Marine
1600 Ely Street
Marinette, Wisconsin 54143
EPA Identification No.: WID006135388

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

Respondent

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and Fincantieri Marinette Marine ("Respondent") enter into this Resource Conservation and Recovery Act ("RCRA") Expedited Settlement Agreement and Final Order ("ESA" or "Agreement") to settle the civil violations set forth in this Agreement for a penalty of eight thousand seven hundred fifty dollars (\$8,750).
2. The EPA inspected Respondent's facility located at 1600 Ely Street in Marinette, Wisconsin (the "Facility") on May 7, 2024. Complainant has determined Respondent violated the following sections of RCRA Subtitle C, and the Wisconsin hazardous waste management program, Wisconsin Administrative Code Chapter NR 662, 665, and 673, at the Facility:
 - a. Under Wisconsin Administrative Code (WAC) s. NR 662.034(1)(b), a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, one 18-gallon container labeled as "Hazardous waste" and "Waste Aerosols" stored in the 50/50 Waste Storage Area (90-day accumulation area) was not marked with a start date of accumulation, in violation of WAC s. NR 662.034(1)(b).

- b. Under WAC ss. NR 662.034(1)(d) and 665.0016(1)(a), a large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. With respect to this training program, WAC s. NR 665.0016(2) requires that affected personnel must successfully complete the program within six months after the

effective date of these regulations or six months after the date of their employment to a facility, whichever is later.

At the time of the Inspection, two employees designated as emergency coordinators in the contingency plan had not been trained as described above, in violation of WAC s. NR 665.0016(2).

- c. Under WAC ss. NR 662.034(1)(a)1. and 665.0174, a large quantity generator of hazardous waste must inspect areas where containers are stored at least weekly.

At the time of the Inspection, the 50/50 Waste Storage Area was not included in the written inspection schedule that was used at the facility. According to facility personnel, inspections were not formally conducted in that area, in violation of WAC s. NR 665.0174.

- d. Under WAC ss. NR 662.034(1)(a)1. and 665.1083(2), a hazardous waste that has an average volatile organic concentration at the point of waste origination of greater than 500 parts per million by weight is subject to air emission controls. A container that is used to meet the air emissions controls requirements shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere. Under WAC s. NR 665.1087(3)(c), the owner or operator shall secure and maintain each closure device in the closed position except when adding or removing wastes, or during other routine activities.

At the time of the Inspection, two 55-gallon containers that were labeled "Hazardous Waste" and located in a 90-day accumulation area in the paint storage room in Building 31, were collecting used thinner for distillation. Plastic funnels with loose-fitting covers had been placed in the bung holes of the containers. The covers were not gasketed or able to seal upon closing, in violation of WAC s. NR 665.1087(3)(c).

- e. Under WAC s. NR 662.011, a generator must determine whether its waste is hazardous using the steps outlined in the rule.

At the time of the Inspection, Respondent did not determine whether the following items stored in the 50/50 Waste Storage Area were hazardous wastes, in violation of WAC s. NR 662.011:

- 55-gallon drum containing a small volume of unknown material (located outside of the 50/50 Hazardous Waste Storage Area);
- Garbage bag labeled only as "Hazardous Waste." The contents of this bag were unknown at the time of the Inspection;
- Two bottles of discarded chemicals less than one quart in size;
- A plastic spill pallet partially filled with an unidentified black tarry substance;
- One 55-gallon drum marked as "Light Bulbs" with a blue "X" spray-painted on the side;
- Two 5-gallon buckets of hand sanitizer;

- Two lead-acid batteries, which were not marked to indicate how they would be managed (i.e., as universal waste, as hazardous waste, or as exempt from hazardous waste requirements under WAC Chapter NR 666, Subchapter G); and
 - One 5-gallon bucket of unidentified material stored on the bottom shelf.
- f. Under WAC s. NR 673.13(4)(a), a small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages shall, among other things, remain closed.

At the time of the Inspection, universal waste was being stored in the 50/50 Waste Storage Area. Respondent failed either to contain or to keep containers closed in the following instances, in violation of WAC s. NR 673.13(4)(a):

- One 2-foot lamp, one bundle of three 2-foot lamps, and one bundle of five 4-foot lamps; and
 - Two open boxes of 2-foot lamps.
- g. Under WAC s. NR 673.14(5), a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

At the time of the Inspection, the following containers of used lamps were not labeled as prescribed above, in violation of WAC s. NR 673.14(5):

- Two cardboard cylinders for 4-foot lamps; and
 - Two boxes of 2-foot lamps.
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) is in the public interest.
 4. The EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
 5. The EPA provided notice of commencement of this action to the state of Wisconsin pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty; and (5) waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), (6) waives 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; and (7) 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 accompanying the Expedited Settlement Agreement.

7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall have paid the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Brenda Whitney
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
whitney.brenda@epa.gov and
R5LECAB@epa.gov

Sarah Baehr
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Baehr.sarah@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.

13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: baehr.sarah@epa.gov (for Complainant), and jan.allman@us.fincantieri.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Jan Allman

Name (print)

CEO FMM

Title (print)



Signature

6-2-25

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
U.S. EPA Region 5 Enforcement and Compliance Assurance Division

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Docket No.: RCRA-05-2025-0019

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5