

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

FILED

December 23, 2025

9:36AM

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

In the Matter of:

ContiTech USA, LLC,

Respondent) **Docket No. RCRA-07-2026-0006**

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and ContiTech USA, 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 limited liability corporation organized under the laws of Delaware.

Statutory and Regulatory Framework

4. 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.

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

6. 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.

7. 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.

8. 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.

9. The regulation at Neb. Admin. Code Title 128 Chapter 1.103 defines “person” as any: individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

10. The regulation at Neb. Admin. Code Title 128 Chapter 1.052 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).

11. The regulation at Neb. Admin. Code Title 128 Chapter 1.125 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.

12. The regulation at Neb. Admin. Code Title 128 Chapter 1.042 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, decomposition by-product, or reaction by-product thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

13. “Solid waste” is defined in Neb. Admin. Code Title 128 Chapters 2 and 3. Solid waste is any discarded material that is not excluded by Section 008 of Chapter 2.

14. “Hazardous waste” is defined at Neb. Admin. Code Title 128 Chapter 1.062.

15. “Universal waste” is defined at Neb. Admin. Code Title 128 Chapter 1.144.

16. “Used oil” is defined at Neb. Admin. Code Title 128 Chapter 1.147.

17. The regulation at Neb. Admin. Code Title 128 Chapter 1.060 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 3 of Title 128 or whose act first causes a hazardous waste to become subject to regulation.

18. The regulation at Neb. Admin. Code Title 128 Chapter 1.085 defines “large quantity generator” as a generator who generates in a calendar month, a total quantity of hazardous waste that is greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste.

19. 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 “Neb. Admin. Code Title 128”). 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).

20. 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 \$124,426 for violations that occur after November 2,

2015, and for which penalties are assessed on or after January 8, 2025. 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 Allegations

21. Respondent is a limited liability corporation and authorized to conduct business within the State of Nebraska. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

22. Respondent owns and operates a facility located at 4021 N 56th Street, Lincoln, Nebraska (“facility”). Respondent is a manufacturer of rubber and rubber cement to produce rubber belts including conveyor belts, agricultural equipment belts, and appliance (dryer) belts.

23. On or about April 6, 2017, Respondent notified the EPA, pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, of its regulated waste activity as a Large Quantity Generator (LQG) of hazardous waste pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930. Respondent obtained the following RCRA ID number: NED007266331.

24. On or about January 14-15, 2025, inspectors for EPA and Nebraska Department of Energy and the Environment conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a Small Quantity Handler of universal waste, and used oil generator.

25. At the time of the inspection, the following wastes, among others, were present: solvent (D001, D035, F005); rubber cement (dough) (D001, D035, F005), debris (D001, D035, F005), shot blast media (D006, D008), aerosol cans (D001, D003), and various waste commercial chemical products. These are solid and hazardous waste as defined at Neb. Admin. Code Chapter 2 and 3.

26. At the time of inspection, at least the following solid and hazardous wastes were present:

- a. An oil-based rubber cement on the walls, equipment, floor, and floor grating of the Long V Cement House;
- b. One (1) 55-gallon container labeled “Tar” in the OSS room;
- c. Eight (8) 1-gallon and seven (7) 1-quart containers of dough (D001, D035, and F005) under the fume hood in the laboratory;

- d. Two (2) 5-gallon containers of rubber cement with damaged or obstructed lids in the OSS room;
- e. One (1) 1-gallon container labeled “Old Waste Thinner” in the OSS room;
- f. One (1) 55-gallon satellite container holding less than 5 gallons of solvent waste with an unlatched funnel in the Long V Cement House; and
- g. One (1) 55-gallon satellite container with unlatched funnel in the Molded Poly V area.

27. At the time of the inspection, at least the following used oil containers were present:

- a. One (1) 55-gallon container of used oil in the Oil Shack area;
- b. One (1) 55-gallon container of used oil marked “oily sludge” in the Banbury area;
- c. One (1) 55-gallon container of used oil in the MC Service Area;
- d. Four (4) 55-gallon containers of used oil marked “waste oil” or unmarked along the north wall of the OSS room; and
- e. One (1) 55-gallon container of used oil labeled “oily sludge” in the OSS room.

28. At the time of the inspection, the following universal waste container was present: One (1), closed 4-foot container of spent fluorescent lamps near the Paint Shop area.

Violations

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

Count 1

Failure to Conduct Hazardous Waste Determinations

30. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 28 above, as if fully set forth herein.

31. The regulation at Neb. Admin. Code Title 128 Chapter 4-001 establishes determinations, notifications, and reporting requirements for generators of hazardous wastes.

32. Pursuant to Neb. Admin. Code 128 Chapter 4-002, a generator of solid waste, as defined in Neb. Admin. Code 128 Chapter 2-003, must determine if that waste is a hazardous waste using methods prescribed in the regulations.

33. At the time of the inspection, it was determined that Respondent was generating at least the following solid waste streams:

- a. Various chemicals (D001, D035, F005) inside a cabinet under the fume hood (numerous containers under 1-gallon) and on top of the cabinet

under the fume hood (eight 1-gallon containers and seven 1-quart containers), many of which were rusted, in poor condition, and unmarked, in the laboratory;

- b. Various waste chemicals and materials containers (D001, D002, D035, F005, U002, U154, U220, and U239) stacked in a pile, gathering dust, with at least one visible spill inside the pile that solidified in place, in the south corner of the laboratory;
- c. Miscellaneous containers of lab chemicals (D001, D002, D035, F005, U002, U154, U220, and U239), some laying on their side and not entirely closed, spread throughout the laboratory; and
- d. Many containers (D001), some covered in dust and with no markings, along the north and west walls of the OSS room, including a pallet of expired cleaning supplies.

34. At the time of the inspection, Respondent had not conducted hazardous waste determinations on any of the solid waste streams described in Paragraph 33 above.

35. Respondent's failure to perform a hazardous waste determination on the above-referenced solid waste streams is a violation of Neb. Admin. Code 128 Chapter 4-002.

Count 2
Operating as a Treatment, Storage or Disposal Facility
Without a RCRA Permit or RCRA Interim Status

36. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 28 above, as if fully set forth herein.

37. Section 3005 of RCRA, 42 U.S.C. § 6925, Nebraska Revised Statute 81-1505(13), and the regulations at 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.

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

Generator Requirements

39. The regulations at Neb. Admin. Code Title 128 Chapter 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 Neb. Admin. Code Title 128 Chapter 10-004.01A 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:

Accumulating hazardous waste on-site longer than 90 days

40. Pursuant to Neb. Admin. Code Title 128 Chapter 10-004.01, a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided it complies with the requirements in Neb. Admin. Code Title 128 Chapter 10-004.01A.

41. At the time of the inspection, the inspector observed at least the following containers of hazardous waste on-site for longer than ninety (90) days:

- a. One (1) 55-gallon container labeled “Tar” (D001) in the OSS room, dated May 11, 2024;
- b. Eight (8) 1-gallon and seven (7) 1-quart containers of dough (D001, D035, and F005) under the fume hood in the laboratory, unmarked and undated, but estimated to have been present for at least two and a half (2.5) years; and
- c. One (1) 1-gallon container labeled “Old Waste Thinner” (D001) in the OSS room, dated January 6, 2024.

Failure to contain hazardous waste

42. Pursuant to Neb. Admin. Code Title 128 Chapter 10-004.01A, the hazardous waste accumulated on-site for 90 days or less must be placed in containers and the generator must comply with the requirements in Neb. Admin. Code Title 128 Chapter 10-004.01A1-004.01A6.

43. At the time of inspection, the inspector observed an oil-based rubber cement (D001) on the walls, equipment, floor, and floor grating of the Long V Cement House.

Failure to close hazardous waste accumulation containers

44. The regulation at Neb. Admin. Code Title 128 Chapter 10-004.01 states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers that comply with the requirements in Neb. Admin. Code Title 128 Chapter 10-004.01A.

45. Pursuant to Neb. Admin. Code Title 128 Chapter 10-004.01A2, the container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

46. At the time of inspection, the following hazardous waste accumulation containers were open:

- a. Five of the fifteen (15) containers of dough (D001, D035, and F005) located under the fume hood in the laboratory; and

- b. Two (2) 5-gallon containers of rubber cement (D001) with damaged or obstructed lids in the OSS room.

Failure to conduct weekly hazardous waste inspections

47. The regulation at Neb. Admin. Code Title 128 Chapter 10-004.01 states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers that comply with the requirements in Neb. Admin. Code Title 128 Chapter 10-004.01A.

48. Pursuant to Neb. Admin. Code Title 128 Chapter 10-004.01A4, the generator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion and other factors.

49. At the time of inspection, Respondent had no records for inspections conducted of the hazardous waste accumulation area in the OSS room for 2022, and only a small number of records of inspections conducted of the OSS room for 2023.

Failure to date hazardous waste accumulation containers

50. The regulation at Neb. Admin. Code Title 128 Chapter 10-004.01F states that the date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container.

51. At the time of inspection, the following hazardous waste accumulation containers were not marked with the date upon which accumulation began: Fifteen (15) containers of dough (D001, D035, and F005), unmarked and undated, under the fume hood in the laboratory.

Failure to label hazardous waste accumulation containers

52. The regulation at Neb. Admin. Code Title 128 Chapter 10-004.01G states that while being accumulated on-site, each container and tank must be labeled or marked clearly with the words "Hazardous Waste."

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

- a. Eight (8) 1-gallon containers and seven (7) 1-quart containers (D001, D035, and F005), unmarked and undated, under the fume hood in the laboratory;
- b. One (1) 1-gallon container labeled "Old Waste Thinner" (D001) in the OSS room; and
- c. Two (2) 5-gallon containers of rubber cement (D001) with damaged or obstructed lids in the OSS room.

Failure to perform annual review of hazardous waste training

54. The regulations at Neb. Admin. Code Title 128 Chapter 10-004.01H, require, in part, that the generator comply with Neb. Admin. Code Title 128 Chapter 19, Personnel Training, the requirements of which apply to generators regulated under Chapter 10 (Large Quantity Generators).

55. Pursuant to Neb. Admin. Code Title 128 Chapter 19-003, facility personnel must take part in an annual review of the initial training required in Neb. Admin. Code Title 128 Chapter 19-001.

56. At the time of the inspection, Respondent had at least three (3) facility personnel whose positions relate to hazardous waste management that had not completed the annual review of the initial hazardous waste training.

Failure to maintain hazardous waste job descriptions

57. Pursuant to Neb. Admin. Code Title 128 Chapter 19-004.02, the generator must maintain a written job description at the facility for each position related to hazardous waste management, including the requisite skill, education, or other qualifications, and duties of personnel assigned to each position.

58. At the time of the inspection, Respondent failed to maintain written job descriptions for employees managing hazardous waste as it pertains to hazardous waste management.

Failure to maintain training descriptions

59. Pursuant to Neb. Admin. Code Title 128 Chapter 19-004.03, the generator must maintain documentation and records at the site of written descriptions of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility as listed under Neb. Admin. Code Title 128 Chapter 19-004.01 and relates to hazardous waste management.

60. At the time of the inspection, Respondent failed to have a written description of both type and amount of introductory and continuing training for each facility personnel whose position relates to hazardous waste management.

Failure to close satellite accumulation containers

61. The regulation at Neb. Admin. Code 128 Chapter 10-005.01 states that a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste (hereinafter "satellite accumulation"), without a permit or interim status and without complying

with Section 004.01 of this Chapter provided the generator complies with Sections 004.01A2 and 005.01B, among other provisions.

62. The regulation at Neb. Admin. Code 128 Chapter 10-004.01A2 requires that a satellite accumulation container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

63. At the time of the inspection, the inspector observed the following satellite accumulation containers that were not closed:

- a. One (1) 55-gallon satellite container holding less than 5 gallons of solvent waste (D001) with an unlatched funnel in the Long V Cement House; and
- b. One (1) 55-gallon satellite container (D001) with unlatched funnel in the Molded Poly V area.

64. Because Respondent failed to comply with the generator requirements as set forth in Paragraphs 37 through 63 above, Respondent was not authorized to accumulate hazardous waste at its facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, Nebraska Revised Statute 81-1505(13), Neb. Admin. Code Title 128, and the regulations at 40 C.F.R. Part 270.

Count 3
Failure to Comply with Universal Waste Management Requirements

65. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 28 above, as if fully set forth herein.

Accumulation of universal waste for longer than one year

66. The regulations at Neb. Admin. Code Title 128 Chapter 25-014.01 state that a small quantity handler of universal waste may accumulate universal waste for no longer than one (1) year from the date the universal waste is generated, or received from another handler, unless such accumulation is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

67. At the time of the inspection, the inspector observed one (1), closed 4-foot container of spent fluorescent lamps near the Paint Shop area not properly marked or labeled. The container was marked with many different accumulation dates, the most recent of which was December 15, 2023.

68. Respondent's accumulation of the universal waste lamps described above for longer than one year is a violation of Neb. Admin. Code Title 128 Chapter 25-014.01.

Count 4
Failure to Comply with Used Oil Regulations

69. Complainant hereby incorporates the allegations contained in Paragraphs 21 through 28 above, as if fully set forth herein.

Failure to label used oil containers

70. The regulations at of Neb. Admin. Code Title 128 Chapter 7-009.04A3 require used oil generators to label or clearly mark containers and above ground tanks with a volume of 25 gallons or greater and used to store used oil at generator facilities with the words “Used Oil.”

71. At the time of the inspection, Respondent failed to label or clearly mark the following used oil containers:

- a. One (1) 55-gallon container, one-third full of used oil in the Oil Shack area;
- b. One (1) 55-gallon container marked with “oily sludge” located in the Banbury area;
- c. One (1) 55-gallon container, one-third full of used oil in the MC Service Area;
- d. Four (4) 55-gallon containers marked “waste oil” or unmarked along the north wall of the OSS room; and
- e. One (1) 55-gallon container marked “oily sludge” in the OSS room.

72. Respondent’s failure to label the containers of used oil described above is a violation of Neb. Admin. Code Title 128 Chapter 7-009.04A3.

CONSENT AGREEMENT

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

- 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.

74. 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 accompanying the consent agreement.

75. 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, performance of the compliance actions described below.

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

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

78. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *joel.eagle@ThompsonHine.com*

Penalty Payment

79. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of One Hundred Fifty-Three Thousand, One Hundred Seventy-Four Dollars (\$153,174), as set forth below.

80. 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 made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

81. Confirmation of payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Kate Vetterick, Attorney
Vetterick.kate@epa.gov

82. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be

assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

83. 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. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall 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 Center at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- 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 (5) days of Respondent’s receipt of a TIN issued by the IRS.

Effect of Settlement and Reservation of Rights

84. 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.

85. 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.

86. Respondent certifies by the signing of this Consent Agreement and Final Order that 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.

87. 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.

88. 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-Three Thousand Forty-Five Dollars (\$73,045) 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.

89. 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.

90. 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.

91. 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

92. 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.

93. 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.

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

95. 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.

96. 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.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Kate Vetterick
Office of Regional Counsel

RESPONDENT:

ContiTech USA, LLC

12-18-25
Date


Signature

JOSEPH M. RUSCAK
Printed Name

SENIOR COUNSEL - CONTITECH USA, LLC
Title

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

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Kate Vetterick
Office of Regional Counsel
vetterick.kate@epa.gov

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

Carrie Venerable | New Solutions
Office of Regional Counsel
venerable.carrie@epa.gov

Copy via Email to Respondent:

Joel Eagle
Thompson Hine LLP
joel.eagle@ThompsonHine.com

Copy via Email to the State of Nebraska:

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

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

Dated this _____ day of _____, _____.

Signed