

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Jun 09, 2025

1:55 pm

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:	:
	:
ENTEGRIS, INC.	: U.S. EPA Docket No. CAA-03-2025-0078
129 CONCORD ROAD	:
BILLERICA, MA 01821	: Proceeding under 113(d) of the Clean Air Act,
	: 42 U.S.C § 7413(d)
Respondent.	:
	:
ENTEGRIS CHESTER PLANT	:
800 W. FRONT STREET	:
CHESTER, PA 19013	:
	:
Facility.	:
	:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Entegris, Inc. ("Respondent") (collectively the "Parties"), pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and 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 C.F.R. Part 22. Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under the Clean Air Act (or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
11. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.
12. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
14. Section 112(d) of the CAA requires the EPA to establish national emission standards for hazardous air pollutants (“NESHAP”) for both major and area sources of hazardous air pollutants (“HAP”) that are listed for regulation under Section 112(c) of the CAA.
15. Section 112(k)(3)(B) of the CAA calls for the EPA to identify at least 30 HAP which, as the result of emissions from area sources, pose the greatest threat to public health in the largest number of urban areas. The EPA implemented this provision in 1999 in the Integrated Urban Air Toxics Strategy, (64 FR 38715, July 19, 1999). Specifically, in the Strategy, the EPA identified 30 HAP that pose the greatest potential health threat in urban areas, and these HAP are referred to as the “30 urban HAP.”
16. Section 112(c)(3) requires the EPA to list sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the emissions of the 30 urban HAP are subject to regulation.
17. On October 29, 2009, the EPA promulgated National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources pursuant to the CAA authorities described above (74 FR 56041) which are codified at 40 C.F.R. Part 63, Subpart VVVVVV (“Chemical Manufacturing NESHAP”). The EPA issued amendments to the Chemical Manufacturing NESHAP on December 14, 2010 (75 FR 77762), March 14, 2011 (76 FR 13515), October 25, 2012 (77 FR 65136), and December 21, 2012 (77 FR 75756).
18. The Chemical Manufacturing NESHAP applies to owners or operators of a chemical manufacturing process unit (“CMPU”) that is located at an area source of HAP where certain HAP are present, including when the CMPU uses as feedstock, any material that contains quinoline, manganese, and/or trivalent chromium at an individual concentration greater than 1.0 percent by weight, or any other compound identified in Table 1 of the Chemical Manufacturing NESHAP at an individual concentration greater than 0.1 percent by weight. Both ethylene dichloride and methylene chloride are listed compounds in Table 1 of the Chemical Manufacturing NESHAP. 40 C.F.R. § 63.11494.
19. Respondent is a Delaware corporation with headquarters located at 129 Concord Road in Billerica, Massachusetts.

20. Respondent is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), subject to the assessment of civil penalties under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d).
21. At all times relevant to the violations alleged herein, Respondent owned and operated a specialty chemical manufacturing plant located at 800 W. Front Street in Chester, Pennsylvania (the “Facility”) that includes one or more CMPUs, heat exchange systems, and batch process vents as defined in 40 C.F.R. § 63.11502.
22. Pursuant to the EPA’s authority under Section 114 of the CAA, 42 U.S.C. § 7414, EPA inspectors conducted an inspection of the Facility on August 31, 2021 to determine compliance with applicable federal regulations (the “Inspection”).
23. Also pursuant to the EPA’s authority under Section 114 of the CAA, 42 U.S.C. § 7414, EPA issued Respondent a Request for Information letter on June 17, 2024.
24. At all times relevant to the violations alleged herein, Respondent was subject to the Chemical Manufacturing NESHAP because (1) Respondent owned and operated one or more CMPUs at the Facility, (2) the Facility was an area source of HAP emissions, and (3) the CMPUs used as feedstock materials that contained the organic compounds ethylene dichloride and methylene chloride at individual concentrations greater than 0.1 percent by weight.
25. At all times relevant to the violations alleged herein, the Facility operated small heat exchangers having cooling water flow rates of approximately 275 gallons per minute.

Count I

Failure to Submit Notification of Compliance Status

26. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
27. Pursuant to 40 C.F.R. §§ 63.9(h) and 63.11501(b), the Chemical Manufacturing NESHAP requires owners or operators to submit a Notification of Compliance Status that includes the information set forth at 40 C.F.R. § 63.11501(b) before no later than close of business on the 60th day following the completion of the relevant compliance demonstration activity.
28. Pursuant to 40 C.F.R. § 63.11495(a)(3), the Chemical Manufacturing NESHAP requires owners or operators to conduct quarterly inspections of process vessels and equipment at each CMPU to demonstrate compliance with the § 63.11495(a)(1) requirement that each process vessel be equipped with a cover or lid that is closed at all times when in

organic HAP service, and to determine that the process vessels and equipment are sound and free of leaks.

29. Pursuant to 40 C.F.R. § 63.11495(b)(1), the Chemical Manufacturing NESHAP requires owners or operators to develop and implement a plan to conduct quarterly inspections of heat exchange systems with cooling water flow rates of less than 8,000 gallons per minute to determine the presence of hydrocarbons in the cooling water.
30. Pursuant to 40 C.F.R. § 63.11496(a), the Chemical Manufacturing NESHAP requires owners or operators to determine organic HAP emissions from batch process vents and, if below 10,000 pounds per year, keep records relevant to the emissions determination and of the number of batches of each process operated per month. Alternatively, owners or operators may demonstrate that the amount of organic HAP emissions used in the process is less than 10,000 pounds per year and keep monthly records of organic HAP usage.
31. Beginning no later than January 27, 2021 and on multiple occasions through October 24, 2022, the CMPUs at Respondent's Facility used as feedstock materials that contained the organic compound ethylene dichloride at individual concentrations greater than 0.1 percent by weight.
32. Beginning no later than February 9, 2021 and on multiple occasions through December 11, 2023, the CMPUs at Respondent's Facility used as feedstock materials that contained the organic compound methylene chloride at individual concentrations greater than 0.1 percent by weight.
33. Respondent represents that it ceased using ethylene dichloride as of October 24, 2022, and that it ceased using methylene chloride as of December 11, 2023, as feedstock materials in the in the CMPUs at its Facility.
34. At all times relevant to the violations alleged herein, Respondent failed to submit any Chemical Manufacturing NESHAP Notifications of Compliance Status in connection with the use of ethylene dichloride and methylene chloride in its CMPUs at the Facility.
35. By failing to submit a Notifications of Compliance Status before the close of business of the 60th day following completion of any of the compliance demonstration activities described in Paragraphs 28-30, the first of which was due to be performed on or about April 27, 2021, Respondent violated 40 C.F.R. §§ 63.9(h) and 63.11501 of the Chemical Manufacturing NESHAP, and is subject to penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

Count II
Failure to Keep Records

36. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
37. Pursuant to 40 C.F.R. § 63.11501(c)(1), the Chemical Manufacturing NESHAP requires owners or operators to keep various records for at least five (5) years, including, but not limited to: (1) records of management practice inspections, repairs, and reasons for any delay as specified in 40 C.F.R. §§ 63.11495(a)(3)-(5); (2) records of small heat exchange inspections, demonstrations of indications of leaks that do not constitute leaks, repairs, and reasons for any delay in repair as specified in 40 C.F.R. § 63.11495(b); (3) records of batch process vent emission calculations, number of batches operated each month, and any updated emission calculations, or of HAP usage as specified in 40 C.F.R. § 63.11496(a); and actions taken during periods of malfunction in accordance with 40 C.F.R. § 63.11495(d).
38. From at least January 27, 2021 through December 11, 2023, Respondent failed to keep records required by 40 C.F.R. § 63.11501(c)(1).
39. By failing to keep records, Respondent violated 40 C.F.R. § 63.11501(c)(1) of the Chemical Manufacturing NESHAP, and is subject to penalties under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

CIVIL PENALTY

40. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FIFTY-FIVE THOUSAND FOUR HUNDRED AND TWENTY-ONE dollars (\$55,421)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
41. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 113(e)(1) of the Act, 42 U.S.C. Section § 7413(e)(1), including, the following: the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation and such other factors as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's October 25, 1991 Clean Air Act

Stationary Source Civil Penalty Policy which reflects the statutory penalty criteria and factors set forth at in Section 113(e)(1) of the Act, 42 U.S.C. Section § 7413(e)(1), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

42. Respondent agrees to pay a civil penalty in the amount of **\$55,421** ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
43. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due 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>.
44. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, Docket No. CAA-03-2025-0078,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Jennifer M. Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@epa.gov,

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

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

"Proof of Payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

45. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.
 - c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.
46. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.
47. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to

late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

48. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
49. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
50. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Abramson.Jennifer@epa.gov (for Complainant), and allen.kacenjar@squirepb.com (for Respondent).
51. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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 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 the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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 has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 57; and
 - ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

- 52. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
- 53. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

OTHER APPLICABLE LAWS

54. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the Clean Air Act, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

55. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the Clean Air Act, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

56. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

57. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

58. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Entegris, Inc.

EPA Docket No. CAA-03-2025-0078

For Respondent: Entegris, Inc.

Date: 05/14/2025

By: *Joseph Colella*
Joe Colella, Senior Vice President
Entegris, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[*Digital Signature and Date*]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Jun 09, 2025

1:55 pm

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Respondent.	:
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ENTEGRIS CHESTER PLANT	:
800 W. FRONT STREET	:
CHESTER, PA 19013	:
	:
Facility.	:
	:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Entegris, Inc. have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with 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 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's October 25, 1991 Clean Air Act Stationary Source Civil Penalty Policy, and the statutory factors set forth in Section 113(e)(1) of the Act, 42 U.S.C. § 7413(e)(1).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIFTY-FIVE THOUSAND FOUR HUNDRED AND TWENTY-ONE dollars (\$55,421)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order 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 the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: _____
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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Facility.	:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Allen A. Kacenjar
Squire Patton Boggs (US) LLP
Allen.kacenjar@squirepb.com
1000 Key Tower
127 Public Square
Cleveland, Ohio 44114

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA, Region 3
Abramson.Jennifer@epa.gov

Bruce Augustine
Environmental Scientist
U.S. EPA, Region 3
Augustine.Bruce@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3