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**9/24/25**

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**U.S. EPA REGION 1  
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**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY REGION 1**

IN THE MATTER OF: )

Vicor Corporation )  
400 Federal Street )  
Andover, Massachusetts 01810 )

Proceeding under Section 3008(a) of )  
Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )

**Docket No.**

**RCRA-01-2025-0073**

**EXPEDITED SETTLEMENT  
AGREEMENT**

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
2. Section 3006 of RCRA, 42 U.S.C. § 6926, provides that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Thus, a violation of a requirement of an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA. EPA has notified the Massachusetts Department of Environmental Protection regarding the alleged violations below of Subtitle C of RCRA, as required by Section 3008(a)(2) of RCRA.
3. Vicor Corporation ("Respondent") is the owner and/or operator of a facility located at 400 Federal Street, Andover, MA 01810 ("Facility"). EPA conducted a compliance evaluation inspection at the Facility on October 7-8, 2024 (the "Inspection"). Based on the Inspection and information provided to EPA by Vicor Corporation after the Inspection, EPA alleges that Respondent violated the following requirements of RCRA, and the EPA-authorized Massachusetts hazardous waste management regulations set forth at 310 Code of Massachusetts Regulations ("CMR") 30.000 *et seq.*:
  - a. Pursuant to 310 CMR 30.341(1)(d), which references 310 CMR 30.523, large quantity generators of hazardous waste must amend their contingency plan whenever, among other circumstances, the list of emergency coordinators changes, the list of emergency equipment changes, or there occurs any other circumstances which indicates the need for a change. Based on information obtained by EPA representatives during and after the Inspection, Respondent had not made updates to its contingency plan since 2019 when the Facility was operating as a small quantity generator of hazardous waste. In 2021, the Facility became a large quantity

generator by adding the plating operation in the North Wing. Since becoming a large quantity generator, the Facility also added a hazardous waste accumulation area in the Overflow Room as well as multiple satellite accumulation areas in the North Wing. These areas were equipped with emergency equipment which was not included in the 2019 contingency plan. The 2019 contingency plan included multiple emergency coordinators but did not include the designation of a primary or alternate emergency coordinator. By failing to amend its contingency plan to reflect facility changes and designate a primary or alternate emergency coordinator, Respondent violated 310 CMR 30.341(1)(d), which references 310 CMR 30.523.

- b. Pursuant to 310 CMR 30.341(1)(c), which references 310 CMR 30.522, large quantity generators of hazardous waste must submit all revisions of the contingency plan to the local emergency response authorities. Based on information obtained by EPA representatives during the Inspection, the facility operations had changed in 2021 when the plating process was added in the North Wing of the Facility which upgraded the Facility's generator status to large quantity. The Facility had started revising the contingency plan to reflect the changes, but the revised version had not been made available to the local emergency response agencies since 2019, when the last contingency plan was made available. By failing to submit revisions of the contingency plan to the local emergency response authorities, Respondent violated 310 CMR 30.341(1)(c), which references 310 CMR 30.522.
- c. Pursuant to 310 CMR 30.342(1)(f), which references 310 CMR 30.688, generators of hazardous waste must separate containers holding incompatible hazardous waste by means of a dike, berm, wall, or other device. At the time of the Inspection, one (1) 1.5-gallon container in the process/quality laboratory area, which was accumulating isopropanol and had ignitable hazard markings, was being stored on the same shelf under the fume hood as one (1) 1.5-gallon container which was accumulating solder etch containing nitric acid and hydrochloric acid with corrosive, ignitable, and toxic hazard markings. By failing to separate incompatible containers of hazardous waste, Respondent violated 310 CMR 30.342(1)(f), which references 310 CMR 30.688.
- d. Pursuant to 310 CMR 30.341(1)(e)(6), which references to 310 CMR 30.524(5), and 310 CMR 30.342(1)(c), which references to 310 CMR 30.685, generators of hazardous waste must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment and to allow for inspections at the hazardous waste storage area. At the time of the Inspection, the hazardous waste containers stored in the central accumulation areas located in the Chemical Room and the Overflow Room had six inches or less of aisle space between them. Specifically, Respondent stored two (1) cubic-yard totes of hazardous waste with toxic markings on them in the Overflow Room without proper aisle space. Similarly, Respondent stored three (3) flammable liquid containers, one (1) state-regulated waste container, and two (2) universal waste containers in the Chemical Room without proper aisle space. By not

maintaining proper aisle space in its hazardous waste storage areas, Respondent violated 310 CMR 30.341(1)(e)(6), which references to 310 CMR 30.524(5), and 310 CMR 30.342(1)(c), which references to 310 CMR 30.685.

- e. Pursuant to 310 CMR 30.341(1)(e)(4), which references 310 CMR 30.524(2)(d), generators of hazardous waste must equip the hazardous waste accumulation area with water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers or water spray systems. At the time of the Inspection, the hazardous waste accumulation area near the wastewater treatment plant in the North Wing did not have overhead sprinklers or other means of supplying water at adequate volume and pressure. By failing to equip a hazardous waste accumulation area with water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers or water spray systems, Respondent violated 310 CMR 30.341(1)(e)(4), which 310 CMR 30.524(2)(d).
- f. Pursuant to 310 CMR 30.302, generators of hazardous waste must conduct timely and appropriate hazardous waste determinations upon generating a waste. At the time of the Inspection, Respondent had not made hazardous waste determinations for a spent hazardous material in the technical support area in the South Wing and a spilled hazardous material in an open container in the hazardous waste storage area in the Chemical Room. Based on the information Respondent provided to EPA after the Inspection, the spilled hazardous material in the hazardous waste storage area had a F006 hazardous waste code while the spent hazardous material at the technical support area had both D001 and D040 hazardous waste codes. Accordingly, by failing to make hazardous waste determinations, Respondent violated 310 CMR 30.302.
- g. Pursuant to 310 CMR 30.342(1)(c), which references 310 CMR 30.685(1), generators of hazardous waste must keep containers of the hazardous waste closed during storage, except when waste is being added or removed. At the time of the Inspection, there was one (1) open 55-gallon container in the hazardous waste storage area in the Chemical Room which was accumulating spent filter cartridges/wipes/rags labeled with an F006 waste code and one (1) open 55-gallon container in the wastewater treatment area in the North Wing which was accumulating contaminated rags/wipes with an F006 waste code. By failing to keep containers of hazardous waste closed, except when adding or removing waste, Respondent violated 310 CMR 30.342(1)(c), which references 310 CMR 30.685(1).
- h. Pursuant to 310 CMR 30.341(1)(e)(1), which references 310 CMR 30.524(1), hazardous waste management units must be designed and operated to prevent the possibility of any threat to public health, safety, or welfare, or the environment from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or

ground water. At the time of the Inspection, there was partially-dried spilled material in the Chemical Room underneath a 30-gallon container which was accumulating used solvents from punctured aerosol cans. The 30-gallon container was marked with D040 and U228 waste codes along with toxic and ignitable markings. By failing to prevent the possibility of any threat to public health, safety, or welfare, or the environment from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water, Respondent violated 310 CMR 30.341(1)(e)(1), which references 310 CMR 30.524(1).

- i. Pursuant to 310 CMR 30.341(1)(e)(4), which references to 310 CMR 30.524(2)(b), generators of hazardous waste must equip hazardous waste accumulation areas with a device, such as a telephone or a hand-held two-way radio, call box, or other instrument capable of summoning emergency assistance from, and which is acceptable to, local police departments, fire departments, or Federal, State or Local emergency response teams. At the time of the Inspection, there was no physical phone available at the hazardous waste storage area in the Chemical Room as well as in the hazardous waste storage area in the wastewater treatment area in the North Wing. By failing to have a telephone or other communication device in each hazardous waste storage area, Respondent violated 310 CMR 30.341(1)(e)(4), which references to 310 CMR 30.524(2)(b).
- j. Pursuant to 310 CMR 30.341(1)(e)(4), which references to 310 CMR 30.524(2)(f), generators of hazardous waste must post an up-to-date list containing the name(s) and telephone number(s) of the emergency coordinator(s), the locations of fire extinguisher(s) and spill control material(s), and evacuation routes near telephones at the site of hazardous waste accumulation. At the time of the Inspection, there was no written list posted at the hazardous waste storage area in the Overflow Room as well as in the wastewater treatment area in the North Wing. By failing to post an up-to-date list containing the name(s) and telephone number(s) of the emergency coordinator(s), the locations of fire extinguisher(s) and spill control material(s), and evacuation routes near telephones at the sites of hazardous waste accumulation, Respondent violated 310 CMR 30.341(1)(e)(4), which references to 310 CMR 30.524(2)(f).
- k. Pursuant to 310 CMR 30.341(1)(a), which references 310 CMR 30.516(1)(a), generators of hazardous waste must provide a program of instruction or on-the-job training that teaches personnel assigned to the management of hazardous waste to perform their duties in a way that ensures the facility's compliance with 310 CMR 30.000. At the time of EPA the Inspection, the hazardous waste training provided to Facility personnel hadn't been updated since 2019. The Facility had expanded its North Wing by adding a plating operation and a hazardous waste storage area in 2021 which required changes to the Facility's personnel training program. By failing

to update its personnel training program to reflect changes in Facility operations, Respondent violated 310 CMR 30.341(1)(a), which references 310 CMR 30.516(1)(a).

- l. Pursuant to 310 CMR 30.342(d)(1), which references 310 CMR 30.686, generators of hazardous waste must inspect areas where hazardous waste containers are stored, at least weekly. At the time of the Inspection, Respondent was not conducting weekly inspections of the hazardous waste accumulation area located near the wastewater treatment area in the North Wing. By failing to conduct inspections of a hazardous waste storage area, Respondent violated 310 CMR 30.342(d)(1), which references 310 CMR 30.686.
- m. Pursuant to 310 CMR 30.341(4), generators of hazardous waste must post a sign at each hazardous waste accumulation area with the words "HAZARDOUS WASTE" in capital letters at least one inch high. At the time of the Inspection, the hazardous waste accumulation area located near the wastewater treatment area in the North Wing did not have adequate signage posted. By failing to post a sign with the words "Hazardous Waste" at the hazardous waste accumulation area in the North Wing, Respondent violated 310 CMR 30.341(4).
- n. Pursuant to 310 CMR 30.341(5), generators of hazardous waste must clearly mark (e.g., by a clearly visible line or piece of tape on the floor or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area) all areas where hazardous waste is accumulated for the purpose of clearly distinguishing areas from all specific points of generation where waste initially accumulated. At the time of the Inspection, the hazardous waste accumulation area located near the wastewater treatment area in the North Wing did not have clear markings distinguishing the area from specific points of generation where wastes initially accumulated. By failing to clearly mark all areas where hazardous waste is accumulated for the purpose of clearly distinguishing areas from all specific points of generation, Respondent violated 310 CMR 30.341(5).
- o. Pursuant to 310 CMR 30.341(2)(d), generators of hazardous waste must mark or label each container of hazardous waste with the date upon which period of accumulation begins at the hazardous waste accumulation area. At the time of the Inspection, two (2) 1-cubic yard totes located at the hazardous waste accumulation area near the wastewater treatment area in the North Wing did not have a label or marking on them to demonstrate the accumulation start date. By failing to mark containers of hazardous waste with the accumulation start date, Respondent violated 310 CMR 30.341(2)(d).
- p. Pursuant to 310 CMR 30.341(2)(a)-(c), generators of hazardous waste must mark or label each container accumulating hazardous waste with the words, "Hazardous Waste", the hazardous waste identified in words, and the type of hazard(s) associated with it waste(s) indicated in words. At the time of the Inspection, two (2)

1-cubic yard totes holding hazardous waste filter press solids, one (1) 55-gallon container holding spent activated carbon, one (1) 55-gallon container holding nickel strip waste, and one (1) 55-gallon container holding Etch/Kerosene waste did not have labels with the words "Hazardous Waste". These containers also were not marked with type of hazard(s) associated with the accumulated waste in words. Likewise, one (1) 55-gallon container holding expired nickel strip and two (2) 1-gallon containers holding spent gold cyanide at or near the analytical laboratory in the North Wing was not labeled with the words "Hazardous Waste" and the type of hazard(s) associated with the accumulated waste in them. By failing to mark containers of hazardous waste with the words, "Hazardous Waste", the hazardous waste identified in words, and the type of hazard(s) associated with it waste(s) indicated in words, Respondent violated 310 CMR 30.341(2)(a)-(c),.

- q. Pursuant to 310 CMR 30.34 2(1)(d)(3), generators of the hazardous waste must keep the records of each inspection at the site of hazardous waste generation for at least three years from the date of inspection.

At the time of the EPA Inspection, weekly inspection logs of the hazardous waste storage area in the Chemical Room were not available for review for the majority of calendar year 2022. By failing to maintain records of inspections at the site of hazardous waste generation, Respondent violated 310 CMR 30.342(1)(d)(3).

4. This Agreement resolves Respondent's liability for federal civil penalties for the violations alleged in paragraph 3, above. This Agreement, upon approval and incorporation in the Final Order, concludes this action under Sections 22.13(b) and 22.18(b)(2)-(3) of EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice.").
5. EPA and Respondent agree that settlement of this matter for a civil penalty of **\$20,000** is reasonable and in the public interest and is based on EPA's consideration of the statutory factors set forth in Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as applied to the particular facts and circumstances of this case with specific reference to EPA's *2024 RCRA Expedited Settlement Agreement Program*.
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations, including the Massachusetts hazardous waste management regulations authorized by EPA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing to contest any issue of fact or law set forth herein; and (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b). By signing this Agreement, Respondent waives any defenses 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 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 cited in paragraph 3 above, have been corrected, and (2) Respondent will submit proof of payment of the civil penalty with this Agreement.
8. This Agreement, upon approval and incorporation in the Final Order, concludes this action under Sections 22.13(b) and 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice.").
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to execute and legally bind Respondent to it.
10. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
11. Each party shall bear its own costs and fees, if any, in entering into this Agreement.
12. Within thirty (30) calendar days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk, Respondent shall pay the civil penalty of **\$20,000** using any method, or a combination of appropriate methods, 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>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement.
13. Within 24 hours of payment, Respondent shall email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region 1  
[r1\\_hearing\\_clerk\\_filings@epa.gov](mailto:r1_hearing_clerk_filings@epa.gov)

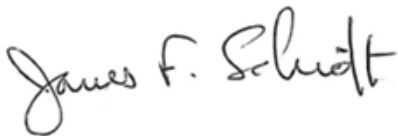
Hardik V. Patel, Environmental Engineer  
EPA, Region 1  
[patel.hardik@epa.gov](mailto:patel.hardik@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

14. The payment made by Respondent pursuant to this Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. 162(f), and therefore, Respondent shall not claim the payment as a tax-deductible expenditure for purposes of federal, state, or local law.
15. EPA and Respondent, by entering into this Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed Expedited Settlement Agreement and Final Order through its authorized representative, by electronic mail at the electronic mail address provided under Respondent's signature below. Respondent understands that this electronic mail address may be made public when the Expedited Settlement Agreement and Final Order are filed and uploaded to a searchable database. EPA has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.
16. This Expedited Settlement Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Expedited Settlement Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), the Final Order shall become effective upon filing with the Regional Hearing Clerk.



APPROVED BY VICOR CORPORATION:

Signature & Date:  9/16/2025

Name and Title (print): James F Schmidt, CFO, Treasurer, Corporate Secretary & Director

**Provide e-mail address for service of fully executed Agreement on the line below:**

JSchmidt@vicr.com

APPROVED BY EPA:

Signature & Date: \_\_\_\_\_

Delegated Official: James Chow, Director  
Enforcement and Compliance Assurance Division  
EPA, Region 1

**FINAL ORDER**

Pursuant to 40 C.F.R. § 22.18(b) and (c) of the EPA's Consolidated Rules of Practice found at 40 C.F.R. Part 22, the Expedited Settlement Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. The Respondent, Vicor Corporation, is ORDERED to comply with all terms of the Expedited Settlement Agreement, which shall become effective on the date it is filed with the EPA Region 1 Regional Hearing Clerk.

IT IS SO ORDERED:

Signature & Date:

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Michael J. Knapp  
Regional Judicial Officer  
EPA, Region 1