UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:	)	Docket No. RCRA-01-2026-0031
Ennovi Etch Logic, LLC f/k/a Interplex Etch Logic, LLC,	)	
Respondent.	)	**CONSENT AGREEMENT AND FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1 alleges that Ennovi Etch Logic, LLC f/k/a Interplex Etch Logic, LLC ("Ennovi" or "Respondent") has violated the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at Respondent's chemical etching facility in Attleboro, Massachusetts. EPA Region 1 ("Complainant") and Ennovi (together, the "Parties") have agreed to settle this matter through this Consent Agreement and Final Order ("CAFO"). EPA's procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice ("Consolidated Rules") at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Massachusetts pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving this matter.

II. FACTUAL BACKGROUND

4. Respondent is a Massachusetts limited liability company that owns and operates a chemical etching facility located at 54 Venus Way in Attleboro, Massachusetts (the "Facility").

5. On August 22 and 23, 2024, EPA representatives conducted a compliance evaluation inspection ("Inspection") of the Facility to evaluate the Facility's compliance with RCRA and federal and state hazardous waste regulations.

6. On November 6, 2024, EPA Region 1 issued an Early Warning Notice to Respondent regarding potential RCRA violations identified at the Facility during the Inspection.

7. On February 3, 2025, Respondent provided follow-up compliance information to EPA.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

8. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 273, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

9. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

10. On January 24, 1985, EPA granted final authorization to the Commonwealth of Massachusetts to administer its hazardous waste program in lieu of the federal program. *See* 50 Fed. Reg. 3344 (January 24, 1985). That authorization became effective on February 7, 1985. Effective November 30, 1998, October 12, 1999, March 12, 2004, March 31, 2008, August 23, 2010, and March 7, 2022, Massachusetts received final authorization for additional hazardous

waste rules. The federally authorized Massachusetts regulations, together with other state hazardous waste regulations, are codified in Title 310, Chapter 30 of the Code of Massachusetts Regulations ("C.M.R."), 310 C.M.R.§§ 30.000 *et seq.* (the "Massachusetts Hazardous Waste Regulations").

11. 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.

12. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce violations of any requirement of Subtitle C of RCRA, including requirements of the federally authorized Massachusetts hazardous waste program, by issuing administrative orders to assess a civil penalty and to require compliance.

13. Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), provides that any person who violates any order or requirement of Subtitle C of RCRA shall be liable to the United States for a civil penalty in an amount of up to $25,000 per day for each violation.

14. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 ("FCPIAAIA"), and the FCPIAAIA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after January 8, 2025, are currently subject to penalties of up to $124,426 per day for each violation. *See* 90 Fed. Reg. 1,375, 1,378 (Jan. 8, 2025) and 40 C.F.R. § 19.4.

B. <u>General Allegations</u>

15. Respondent is a limited liability company and a "person" within the meaning of

Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and 310 C.M.R. § 30.010. Respondent specializes in etching stainless steel, copper, and copper alloy precision metal components for electronics, automative, medical, filtration, and telecommunications industries.

16. At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined in 40 C.F.R. § 260.10 and 310 C.M.R. § 30.010.

17. At all times relevant to the allegations set forth in this CAFO, Respondent's Facility generated "hazardous waste" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. § 261.3, and 310 C.M.R. § 30.010. Respondent is, therefore, subject to the standards for generators of hazardous waste set forth in the Massachusetts Hazardous Waste Regulations.

18. Pursuant to 310 C.M.R. § 30.340(1), a generator who is not a Small Quantity Generator pursuant to 310 C.M.R. § 30.351 or a Very Small Quantity Generator pursuant to 310 C.M.R. § 30.353 is a Large Quantity Generator.

19. Pursuant to 310 C.M.R. § 30.340(2), a Large Quantity Generator must comply with the requirements set forth or referred to in 310 C.M.R. §§ 30.340 through 30.343, and with all other applicable requirements of 310 C.M.R. § 30.000.

20. The regulations at 310 C.M.R. § 30.340(3) and 310 C.M.R. § 30.1000 govern the management of universal waste by Large Quantity Generators.

21. Pursuant to 310 C.M.R. § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that (a) the waste is accumulated in compliance with the

general accumulation standards of 310 C.M.R. § 30.341; and (b) the waste is accumulated in containers managed in compliance with 310 C.M.R. § 30.342 or in tanks managed in compliance with 310 C.M.R. § 30.343.

22. At all times relevant to the violations alleged in this CAFO, Respondent has been and is a "Large Quantity Generator" of hazardous waste, within the meaning of 310 C.M.R. § 30.340(1), based on the amount of hazardous waste generated and accumulated on site during the period of the RCRA violations alleged herein.

23. Respondent has never applied for or obtained a license for the treatment, storage, or disposal of hazardous wastes ("TSD license") for the Facility.

24. In order to store hazardous waste for 90 days or less without obtaining a TSD license or having interim status, Respondent's Facility must comply with the conditions found in the applicable provisions of the Massachusetts Hazardous Waste Regulations.

25. At the time of the Inspection, Respondent maintained hazardous waste tanks at its Facility, including:

a. One 6,000-gallon fiberglass reinforced plastic tank (Tank "T1") located at the tank farm in Building 1 of the Facility. Tank T1 contained spent ferric acid, or ferric chloride, a hazardous waste assigned EPA Waste Codes D002, D007, and D008.

b. Two 1,800-gallon fiberglass tanks located at the tank farm in Building 2 of the Facility (Tanks "T2" and "T3"). Tanks T2 and T3 contained spent cupric chloride, a hazardous waste assigned EPA Waste Codes D002, D008, D010, D007, and D011.

c. One approximately 6,000-gallon fiberglass tank located at the tank farm in

Building 2 ("T4") containing spent ferric chloride.

d. One 1,500-gallon capacity high density polyethylene ("HPDE") tank that has been used to contain spent cupric chloride located at the tank farm in Building 1 of the Facility ("T5"). Tank T5 was empty at the time of the Inspection.

26. Pursuant to 310 C.M.R. § 30.010, "universal waste" is defined to include any of the following hazardous wastes managed under the Massachusetts universal waste requirements: batteries, pesticides, thermostats, mercury-containing devices, and mercury-containing lamps.

27. Pursuant to 310 C.M.R. § 30.010 and § 30.1010, a "small quantity handler of universal waste" is defined as a "universal waste handler who accumulates less than 5,000 kilograms total of universal waste at any time."

28. At all times relevant to the allegations set forth in this CAFO, Respondent stored less than 5,000 kilograms total of universal waste, including used batteries and mercury-containing lamps at the Facility. Thus, at all times relevant to the allegations set forth in this CAFO, Respondent was a "small quantity handler of universal waste," as defined in 310 C.M.R. § 30.010 and § 30.1010.

C. RCRA Violations

Count 1: Failure to Comply with Standards for Hazardous Waste in Tanks

29. Paragraphs 1 through 28 are incorporated by reference as if fully set forth herein.

30. Pursuant to 310 C.M.R § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that the waste placed in tanks is managed in compliance with 310 C.M.R. § 30.343.

31. Pursuant to 310 C.M.R. § 30.693(1), as incorporated by reference in and modified by 310 C.M.R. § 30.343(1)(c), generators with new tank systems[1] must obtain a written assessment, reviewed and certified by an independent, qualified, registered professional engineer and attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

32. Because Tanks T1, T2, T3, and T4 are new tanks, Respondent was required to obtain a written assessment of these tanks in accordance with 310 C.M.R. §§ 30.343(1)(c) and 30.693(1).

33. However, at the time of the Inspection, Respondent had not obtained the required written assessment attesting that Tanks T1, T2, T3, and T4 had sufficient structural integrity and were acceptable for the storing and treating of hazardous waste.

34. Accordingly, Respondent failed to comply with the requirements of 310 C.M.R. §§ 30.343(1)(c) and 30.693(1).

35. Pursuant to 310 C.M.R. § 30.343(1)(d)(2), Large Quantity Generators with aboveground tanks must ensure that such tanks have a containment system which is free of cracks and gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

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[1] Under 310 C.M.R. § 30.010, "new tank system" is defined as "a tank system or component that is used for the storage or treatment of hazardous waste and for which installation commenced after: (a) July 14, 1986 for those tank systems which are owned or operated by a Small Quantity Generator, are new underground tanks, or are tanks which cannot be entered for inspection (*i.e.*, tanks which are subject to the requirements of the federal Hazardous and Solid Waste Amendments); or (b) December 1, 1988 for all other types of tank systems (*e.g.*, tank systems which are not owned or operated by a Small Quantity Generator and are either existing underground tanks or tanks that can be entered for inspection).

36. At the time of the Inspection, Tanks T2, T3, and T4 had secondary containment, but this secondary containment was not sufficiently impervious to contain leaks and spills and had heavy stain markings, indicating previous spills.

37. Accordingly, Respondent failed to comply with the requirements of 310 C.M.R. § 30.343(1)(d)(2).

38. Pursuant to 310 C.M.R. § 30.010, ancillary equipment is defined as any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

39. Pursuant to 310 C.M.R. § 30.694(6), as incorporated by reference in and modified by 310 C.M.R. § 30.343(1)(d), ancillary equipment must be provided with secondary containment that meets the requirements of 310 C.M.R. § 30.694(2) and (3), except for aboveground piping, valves, and other specified ancillary equipment that are visually inspected for leaks on a daily basis.

40. At the time of the Inspection, ancillary equipment attached to Tanks T2 and T3, including pipes and valves, did not have any secondary containment. These pipes and valves were not exempt from the requirement to be provided secondary containment because, although they were aboveground, they were not visually inspected for leaks on a daily basis.

41. Accordingly, Respondent failed to comply with the requirements of 310 C.M.R. §§ 30.343(1)(d) and 30.694(6).

42. Pursuant to 310 C.M.R. § 30.696, as incorporated by reference in and modified by 310 C.M.R. § 30.343(1)(f), the owner or operator must, among other things, inspect the

following aspects of hazardous waste tanks: (i) controls to prevent overfilling at least once each operating day to ensure such controls are in good working order; (ii) data gathered from monitoring equipment, where present, at least once each operating day to ensure the tank is being operated according to its design; and (iii) the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, at least once daily to detect erosion or signs of releases of hazardous waste.

43. Pursuant to 310 C.M.R. § 30.343(1)(f), Large Quantity Generators must record every inspection in an inspection log or summary and must keep inspection records at the site of generation for at least three years from the date of inspection or until final closure. The inspection records must include, at a minimum, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

44. At the time of the Inspection, Respondent had no records of daily inspections of Tanks T1, T2, T3, and T4.

45. Accordingly, Respondent failed to comply with the requirements of 310 C.M.R. § 30.343(1)(f).

46. By failing to comply with each of the requirements described in Paragraphs 29 through 45, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

47. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

Count 2: Failure to Comply with Contingency Plan Requirements

48. Paragraphs 1 through 47 are incorporated by reference as if fully set forth herein.

49. Pursuant to 310 C.M.R § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that the waste is accumulated in compliance with the general accumulation standards of 310 C.M.R. § 30.341.

50. Pursuant to 310 C.M.R. § 30.521(1), as incorporated by reference in and modified by 310 C.M.R. § 30.341(1)(b)(3), a generator must have a contingency plan that addresses all on-site hazardous waste management units. The contingency plan shall be designed to prevent and to minimize hazards to public health, safety, or welfare or the environment from fires, explosions, spills or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water.

51. Pursuant to 310 C.M.R. § 30.521(9), as incorporated by reference in and modified by 310 C.M.R. § 30.341(1)(b), the contingency plan must include a list of all emergency equipment, including emergency medical equipment, to be kept and maintained at the site, including the location and physical description of each item on the list, and a brief outline of its capabilities.

52. Pursuant to 310 C.M.R. § 30.521(11), as incorporated by reference in and modified by 310 C.M.R. § 30.341(1)(b), the contingency plan must include an evacuation plan for site personnel if there is a possibility that evacuation could be necessary, and this plan shall describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in case the primary routes were to be blocked by potential or actual releases of hazardous waste or fires.

53. Pursuant to 310 C.M.R. § 30.522, as incorporated by reference in and modified by 310 C.M.R. § 30.341(1)(c), a copy of the contingency plan and all revisions of the plan must be submitted to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, and state and local emergency response teams that may be called upon to provide emergency services.

54. At the time of the Inspection, Respondent's contingency plan did not include the locations or physical descriptions of the emergency equipment.

55. Respondent's contingency plan also did not include in its evacuation plan the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in case the primary evacuation routes were blocked.

56. Respondent's contingency plan was sent only to the local fire department, but not to the local police department, hospitals, local boards of health, the chief executive officer of the community, and state and local emergency response teams that may be called upon to provide emergency services.

57. Accordingly, Respondent failed to include the locations and physical descriptions of emergency equipment in the contingency plan, failed to meet the requirements for evacuation plans, and failed to provide a copy of the contingency plan to all local emergency response and health care partners, in violation of 310 C.M.R. §§ 30.341(1) , 30.521, and 30.522. By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

58. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

Count 3: Failure to Keep Containers of Hazardous Waste Closed During Storage

59. Paragraphs 1 through 58 are incorporated by reference as if fully set forth herein.

60. Pursuant to 310 C.M.R § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that the waste placed in containers is managed in compliance with 310 C.M.R. § 30.342.

61. Pursuant to 310 C.M.R. § 30.685, which is incorporated by reference in 310 C.M.R. § 30.342(1)(c), a Large Quantity Generator must always keep containers holding hazardous waste closed during storage, except when waste is being added or removed.

62. At the time of the Inspection, one (1) five-gallon container holding sump cleanout hazardous waste located behind the etching line in Building 2 was fully open. Waste was not being added to or removed from this container at the time of the Inspection.

63. Thus, Respondent failed to keep a container holding hazardous waste closed during storage, in violation of 310 C.M.R. §§ 30.342(1)(c) and 30.685. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

64. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

Count 4: Failure to Adequately Label Containers of Hazardous Waste

65. Paragraphs 1 through 64 are incorporated by reference as if fully set forth herein.

66. Pursuant to 310 C.M.R § 30.340(6), a generator may accumulate hazardous waste or waste oil in containers at or near each specific point of generation where wastes initially accumulate for any length of time without a storage license and without obtaining interim status

without complying with 310 C.M.R. §§ 30.341 or 30.342, except as specified in 310 C.M.R. § 30.340(6). Pursuant to 310 C.M.R. § 30.340(6)(e), a generator subject to the requirements of 310 C.M.R. § 30.340(6) shall at all times comply with the requirements set forth in 310 C.M.R. § 30.341(2)(a) through (c).

67. Pursuant to 310 C.M.R. § 30.341(2)(a) through (c), a generator must mark and label each tank or container in which hazardous waste is being accumulated throughout the period of accumulation with the words "Hazardous Waste," the hazardous waste(s) identified in words, and the type of hazard(s) associated with the waste(s) indicated in words.

68. At the time of the Inspection, there was one (1) five-gallon container holding sump cleanout hazardous waste located in the etch line area of Building 2, which was near the point of generation where the wastes initially accumulated. The five-gallon container was under the control of the operator and was approximately 50 percent full at the time of the Inspection. The five-gallon container was placed in secondary containment to prevent any spills or leakage. This five-gallon container did not have a label including the words "Hazardous Waste," the identity of the hazardous waste indicated in words and the type of hazard(s) associated with the hazardous waste indicated in words.

69. Accordingly, Respondent failed to label the hazardous waste container described in Paragraph 68 above with the words "Hazardous Waste," the identity of the hazardous waste therein in words, and the type of hazard(s) associated with the hazardous waste indicated in words, in violation of 310 C.M.R. § 30.341(2)(a)-(c), as incorporated by reference in 310 C.M.R. § 30.340(6)(e). By failing to comply with these requirements, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(6), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

70. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

Count 5: Failure to Comply with Universal Waste Labeling Requirements

71. Paragraphs 1 through 70 are incorporated by reference as if fully set forth herein.

72. The regulations set forth in 310 C.M.R. § 30.1034(1) establish the manner in which a small quantity handler of universal waste must manage universal waste batteries so as to prevent releases of any universal waste or component of a universal waste to the environment.

73. Pursuant to 310 C.M.R. § 30.1034(1)(d), each universal waste battery, or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

74. The regulations set forth in 310 C.M.R. § 30.1034(5) establish the manner in which a small quantity handler of universal waste must manage universal waste mercury-containing lamps so as to prevent releases of any universal waste or component of a universal waste to the environment.

75. Pursuant to 310 C.M.R. § 30.1034(5)(a), universal waste mercury-containing lamps must be contained in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp, and such containers and packages must remain closed and must be maintained to prevent leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

76. Pursuant to 310 C.M.R. § 30.1034(5)(d), each universal waste mercury-containing lamp, or a container in which the mercury-containing lamps are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste-Mercury-containing

Lamp(s)", or "Waste Mercury-containing Lamp(s)", or "Used Mercury-containing Lamp(s)".

77. At the time of the Inspection, one (1) lead-acid battery in the garage across from the office building at the Facility that met the definition of universal waste in 310 C.M.R. 30.010 was not marked or labeled as "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," and also was not stored in a container that was labeled or marked clearly with "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)."

78. At the time of the Inspection, one (1) box of fluorescent bulbs in the garage across from the office building at the Facility that met the definition of universal waste in 310 C.M.R. 30.010 was not marked "Universal Waste-Mercury-containing Lamp(s)", or "Waste Mercury-containing Lamp(s)", or "Used Mercury-containing Lamp(s)." Further, at the time of the Inspection, this box of fluorescent bulbs was open.

79. Accordingly, Respondent failed to comply with universal waste labeling requirements for universal waste batteries, in violation of 310 C.M.R. § 30.1034(1)(d), and failed to comply with universal waste storage and labeling requirements for universal waste mercury-containing lamps, in violation of 310 C.M.R. §§ 30.1034(5)(a) and 5(d), respectively.

Count 6: Failure to Comply with Universal Waste Dating Requirements

80. Paragraphs 1 through 79 are incorporated by reference as if fully set forth herein.

81. Pursuant to 310 C.M.R. § 30.1034(7)(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received. The small quantity handler of universal waste must make this demonstration by: (1) placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; (2) marking or labeling

each individual item of universal waste that is not in a container that meets the aforementioned requirement with the date it became a waste or was received, subject to exceptions not relevant here; (3) maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (e) any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

82. At the time of the Inspection, one (1) lead-acid battery in the garage across from the office building at the Facility was not marked in a way that clearly demonstrated the length of time that this universal waste had been accumulated from the date that it became a waste or was received, and there were no other indication of how long the lead-acid battery had been stored as waste.

83. Accordingly, Respondent failed to comply with universal waste dating requirements, in violation of 310 C.M.R. § 30.1034(7)(c).

Count 7: Failure to Provide Annual Review of Hazardous Waste Training

84. Paragraphs 1 through 83 are incorporated by reference as if fully set forth herein.

85. Pursuant to 310 C.M.R § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that the waste is managed in compliance with 310 C.M.R. § 30.341.

86. Pursuant to 310 C.M.R. § 30.516(1)(a), which is incorporated by reference in and

modified by 310 C.M.R § 30.341(1)(a), site personnel assigned to the management of hazardous waste must successfully complete a program of instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the Massachusetts Hazardous Waste Regulations.

87. Pursuant to 310 C.M.R. § 30.516(1)(d), which is incorporated by reference in and modified by 310 C.M.R § 30.341(1)(a), site personnel must take part in an annual review of the initial training required by 310 C.M.R § 30.516(1)(a).

88. At the time of the Inspection, Respondent had not provided an annual review of hazardous waste training to a wastewater treatment operator who was directly responsible for managing the hazardous waste metal hydroxide sludge at the Facility as well as the area where the hazardous waste metal hydroxide sludge is stored. The wastewater treatment operator had received hazardous waste training on August 15, 17, 22, and 23, 2023, but did not receive an annual review of the hazardous waste training until September 25 and 26, 2024, about a month after EPA's Inspection in August 2024.

89. Accordingly, Respondent failed to comply with the requirement to provide an annual review of the initial hazardous waste training, in violation of 310 C.M.R § 30.341(1)(a) and 30.516(1)(d). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(4), and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

90. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

Count 8: Failure to Post Emergency Information as Required

91. Paragraphs 1 through 90 are incorporated by reference as if fully set forth herein.

92. Pursuant to 310 C.M.R § 30.340(4), a Large Quantity Generator may accumulate hazardous waste at the site of generation for 90 days or less without a storage license and without obtaining interim status provided that the waste is managed in compliance with 310 C.M.R. § 30.341.

93. Pursuant to 310 C.M.R § 30.524(2)(f), which is incorporated by reference in and modified by 310 C.M.R § 30.341(1)(e), all sites must be equipped with an up-to-date written list of: (1) the name(s) and telephone number(s) of the emergency coordinator(s); (2) the location(s) of the fire extinguisher(s) and spill control material(s), and, if present, the fire alarms; (3) the telephone number of the fire department, or, if there is a direct alarm system, instructions on how to activate it, or both; and (4) evacuation routes, where applicable. The aforementioned written list must be prominently posted near the telephones at the site of accumulation.

94. At the time of the Inspection, an up-to-date written list with the emergency response information described in Paragraph 93 was not posted at or near the site of hazardous waste accumulation areas in Buildings 1 and 2. A physical phone was also not available at the hazardous waste accumulation areas in Buildings 1 and 2.

95. Accordingly, Respondent failed to comply with the requirement to prominently post an up-to-date written list of the required emergency response information at or near the site of accumulation, in violation of 310 C.M.R §§ 30.341(1)(e) and 30.524(2)(f). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators in 310 C.M.R. § 30.340(4) and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

96. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1).

IV. GENERAL TERMS

97. The terms of this CAFO shall apply to and be binding on Respondent, its successors, and its assigns.

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

a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

b. Neither admits nor denies the specific factual allegations contained in Section III of this CAFO;

c. Consents to the assessment of a civil penalty as stated below;

d. Consents to the issuance of any specified compliance or corrective action order;

e. Consents to the conditions specified in this CAFO;

f. Consents to any stated permit action; and

g. Waives any right to contest the allegations in this CAFO, and its right to appeal the proposed Final Order accompanying this Consent Agreement.

99. Without admitting or denying the specific factual allegations herein, Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Massachusetts and waives any rights in law or equity to challenge EPA's authority to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance.

100. 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.

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

101. As of the "Filing Date" of this CAFO, as defined in Paragraph 105 below, Respondent certifies that the Facility is in compliance with, and agrees that the Facility shall continue to operate in compliance with, RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Massachusetts Hazardous Waste Regulations cited in Paragraphs 29 through 96 above.

102. Respondent further certifies that it has completed and, where applicable, shall complete the following RCRA compliance actions at the Facility or, alternatively, that it is operating in accordance with a permit for the Facility issued pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. § 30.801(1):

a. Respondent is complying and, where deadlines are specified below, shall timely come into compliance with the standards for storing hazardous waste tanks at the Facility, including those tanks described in Paragraph 255 above, including (i) by obtaining the required written assessment of these tanks, including but not limited to any overflow tanks for storing hazardous waste, in accordance with 310 C.M.R. §§ 30.343(1)(c) and 30.693(1) within three months of the Filing Date of this CAFO, as defined in Paragraph 105 below; (ii) ensuring that aboveground tanks, including but not limited to Tanks T2, T3, and T4, have a containment system which is free of cracks and gaps and is sufficiently impervious in accordance with 310 C.M.R. § 30.343(1)(d)(2); (iii) providing secondary containment for ancillary equipment, including but not limited to ancillary equipment for Tanks T2 and T3, in accordance with 310 C.M.R. §§ 30.343(1)(d) and 30.694(6); and (iv) documenting daily inspections and meeting all other recordkeeping requirements of 310 C.M.R. § 30.343(1)(f).

b. Respondent has revised the Facility's contingency plan to (1) include a list of all emergency equipment, including the location and physical description of each item on the list, as well as a brief description of its capabilities, in accordance with 310 C.M.R. §§ 30.341(1)(b) and 30.521(9); and (2) include an evacuation plan that describes the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in case the primary routes were to be blocked by potential or actual releases of hazardous waste or fires, in accordance with 310 C.M.R §§ 30.341(1)(b) and 30.521(11). Respondent has also submitted the updated contingency plan to local police departments, local fire departments, hospitals, local boards of health; the chief executive officer of the community; and state and local emergency response teams that may be called upon to provide emergency services, in accordance with 310 C.M.R. §§ 30.341(1)(c) and 30.522;

c. Respondent is keeping all hazardous waste containers at the Facility closed during storage, except when necessary to add or remove waste, in accordance with 310 C.M.R. §§ 30.342(1)(c) and 30.685;

d. Respondent is properly labeling all containers at the Facility in which hazardous waste is being accumulated throughout the period of accumulation with the words "Hazardous Waste," the identity of the hazardous waste(s) therein in words, the type of hazard(s) associated with the waste(s) in words (*e.g.*, ignitable, toxic, dangerous when wet), and the date upon which each period of accumulation begins, in accordance with 310 C.M.R. §§ 30.341(2)(a)-(c) and 30.340(6)(e);

e. Respondent is properly labeling each universal waste battery, and each container in which such batteries are contained, with one of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)," in accordance with 310 C.M.R. § 30.1034(1)(d);

f. Respondent is ensuring that universal waste mercury-containing lamps are contained in a container or package that remains closed and is maintained to prevent leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, in accordance with 310 C.M.R. § 30.1034(5)(a).

g. Respondent is properly labeling each universal waste mercury-containing lamp with one of the following phrases: "Universal Waste-Mercury-containing Lamp(s)" or "Waste Mercury-containing Lamp(s)", or "Used Mercury-containing Lamp(s)," in accordance with 310 C.M.R. § 30.1034(5)(d).

h. Respondent is marking or labeling each individual item of universal waste with the date it became a waste or was received or each container holding universal waste with the earliest date that any universal waste in the container became a waste or was received, or otherwise clearly tracking and demonstrating the length of time that universal waste has been accumulated from the date it becomes a waste or is received, in accordance with 310 C.M.R. § 30.1034(7)(c);

i. Respondent is timely providing an annual review of the initial hazardous waste training to site personnel assigned to the management of hazardous waste, in accordance with 310 C.M.R. §§ 30.341(1)(a) and 516(1)(d); and

j. Respondent has posted the required emergency information prominently near the site of accumulation, in accordance with 310 C.M.R. §§ 30.341(1)(e) and 30.524(2)(f).

103. Respondent shall provide to EPA, no later than three months from the Filing Date, documentation demonstrating Respondent's compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Massachusetts Hazardous Waste Regulations cited in Paragraphs 29 through 96 above, as well as Respondent's compliance with the specific requirements described in Paragraph 102, above. Such documentation shall include, but not be limited to, copies of the tank assessments required by Paragraph 102(a) above, documentation of the daily inspections required by Paragraph 102(a) above for a 30-day period prior to the submission, and a copy of the facility's revised contingency plan required by Paragraph 102(b) above.

VI. CIVIL PENALTY

104. Respondent agrees to pay a civil penalty in the amount of $70,508 ("Assessed Penalty") within thirty (30) days after the "Filing Date."

105. In accordance with 40 C.F.R. § 22.31(b), the "Filing Date" of this CAFO is the date when the Final Order ratifying this Agreement is filed, either in person or electronically via email, with the Regional Hearing Clerk.

106. 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. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 *Executive Order on Modernizing Payments To and From America's Bank Account*, Respondent shall pay using one of the electronic payment methods listed on EPA's *How to Make a Payment* website and will not pay with a paper check.

107. When making a payment, Respondent shall:

a. Identify every payment with the Respondent's name (*i.e.*, "Ennovi Etch Logic, LLC") and the docket number of this Agreement, RCRA-01-2026-0031.

b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-MO)
Boston, MA 02109
R1_Hearing_Clerk_Filings@epa.gov
and
santiago.wanda@epa.gov

and

Bibeka Shrestha, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (ORC 4-WD)
Boston, MA 02109
shrestha.bibeka@epa.gov

and

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

"Proof of payment" means, as applicable, 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 EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

108. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Filing 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. To protect the interests of the United States, the rate of interest is set at the IRS standard underpayment rate; any lower rate would fail to provide the Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

109. 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, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions 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 EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17;

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

110. 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.

111. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

112. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS") 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). Respondent's 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, Respondent shall complete the following actions as applicable.

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at 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 EPA's Cincinnati Finance Division at chalifoux.jessica@epa.gov within 30 days after the Filing Date of this Final Order, or within 7 days should the order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VII. EFFECT OF SETTLEMENT

113. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the alleged violations set out in Section III.C of this CAFO.

114. Nothing in this CAFO shall be construed to limit the authority of EPA or the

United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

115. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 113 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

116. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

117. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

118. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to Mark Bowden at Mark.Bowden@us.ennovi.com. Respondent understands that this email address may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable

database. Complainant 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.

119. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2026.08.13 14:33:42 -04'00'

Dated via electronic signature

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

FOR RESPONDENT:

Mark Bowden, General Manager
Ennovi Etch Logic, LLC

8/6/26
Date

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent Ennovi Etch Logic, LLC is ordered to comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

MICHAEL KNAPP
Digitally signed by MICHAEL KNAPP
Date: 2026.08.18 07:50:09 -04'00'

Dated via electronic signature

Michael J. Knapp
Regional Judicial Officer
EPA Region 1