

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

FILED

Mar 03, 2025

9:27 am

U.S. EPA REGION 3  
HEARING CLERK

IN THE MATTER OF: )  
 ) DOCKET NO.: RCRA-03-2025-0051  
 )  
Rogers Corporation )  
 )  
 )  
Respondent, ) EXPEDITED SETTLEMENT AGREEMENT AND  
 ) FINAL ORDER  
 )  
 )  
Rogers Corporation - Bear ) Proceeding under Section  
1100 Governor Lea Road ) 3008(a) and (g) of the Resource  
Bear, Delaware 19701, ) Conservation and Recovery Act, as  
 ) amended, 42 U.S.C. § 6928(a) and (g)  
 )  
Facility. )

**EXPEDITED SETTLEMENT AGREEMENT**

1. Rogers Corporation (“Respondent”), and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Delaware to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Delaware Hazardous Waste Management Program, codified at the Delaware Regulations Governing Hazardous Waste (“DeRGHW”), have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. On December 6, 2024, EPA sent a letter to the State of Delaware, through the Department of Natural Resources and Environmental Control (“DNREC”), giving prior notice of this

enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. At its facility, located at 1100 Governor Lea Road, Bear, Delaware 19701 (“Facility”), Respondent manufactures silicon products including copper clad laminates, calendared products, and extruded silicon tape. On February 15, 2024, Respondent submitted a notification to DNREC that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and DNREC assigned RCRA ID No. DED980551261 to the Facility. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.
6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and DeRGHW, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility”, “owner” and “operator” are defined in DeRGHW § 260.10.
7. At all times relevant to the allegations described in this Agreement, Respondent “stored” solvent-contaminated rags (D001, F003, F005), leftover solvent-based dispersion (D001, F003, F005), and aerosol cans (D001, D035) which are “hazardous waste(s)” at the Facility, as the terms “stored” and “hazardous waste” are defined in DeRGHW § 260.10.
8. On May 15-16, 2024, EPA representatives conducted a Compliance Evaluation Inspection (“CEI”) at the Facility to determine compliance with the applicable hazardous waste regulations. On October 2, 2024, EPA sent an information request letter to the Respondent pursuant to RCRA, requesting information about the Facility regarding its compliance with the applicable hazardous waste regulations. On October 29, 2024, Respondent provided a response to EPA’s information request.
9. Based on the observations during the Inspection and on the information Respondent provided in response to EPA’s information request, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized State of Delaware hazardous waste management regulations set forth in the Delaware Hazardous Waste Management Program, set forth in the DeRGHW Parts 260 – 279, and Parts 122 and 124.
10. Complainant has identified the following violations at the Facility:
  - a. From at least May 15, 2024 until May 16, 2024, Respondent operated the Facility without a permit, in violation of DeRGHW § 122.1(c). The following acts or omissions prevented Respondent from meeting the regulatory permit exemption conditions set forth at DeRGHW § 262.15 and § 262.17:

- (1) Respondent failed to have a satellite accumulation area at the point of generation and under the control of the operator, as required by DeRGHW § 262.15(a);
  - i. At the time of the CEI, in the Mix Room, the Respondent had a 55-gal drum used to accumulate solvent-contaminated rags that were generated throughout the facility. The drum was being managed as a satellite accumulation area. The 55-gal drum was not at the point of generation and under the control of the operator.
  - ii. At the time of the CEI, located near the Extruder Area, the Respondent had a 55-gal drum used to accumulate waste aerosol cans. The drum was being managed as a satellite accumulation area. Aerosol cans are used throughout the facility. Waste aerosol cans were observed in the Chesmont Coater Room. No other 55-gal drum with waste aerosol cans being managed as a satellite accumulation area was observed during the inspection. The observed 55-gal drum was not at the point of generation and under the control of the operator.
- (2) Respondent had open containers of hazardous waste when waste was neither being added or removed, in violation of DeRGHW § 262.15(a)(4). At the time of the CEI, in the lab, Respondent had four (4) open 1-pint containers within a fume hood. The containers were accumulating tin/lead solder waste. According to a waste profile for “Tin/Lead solder from R&D”, the waste stream is hazardous for lead and has the EPA waste code D008. At the time of the observation, waste was neither being added or removed.
- (3) Failure to label containers of hazardous waste with the words “Hazardous Waste”, as required by DeRGHW § 262.15(a)(5).
  - i. At the time of the CEI, in the Mill Room, an open blue bag (container) was observed while facility personnel were actively cleaning equipment with rags dipped in mineral spirits (solvent-contaminated rags). The rags were being accumulated in the blue bag. No labels were observed on the blue bag.
  - ii. At the time of the CEI, in the lab, five (5) 1-pint containers were observed inside of a fume hood. The containers were accumulating tin/lead solder waste (EPA waste code D008). The words “Hazardous Waste” were not observed on the containers.
- (4) Failure to document and maintain records for weekly inspections of the hazardous waste accumulation area, as required by DeRGHW § 262.17(a)(1)(vi). Respondent did not have weekly inspection records for the

following weeks in 2023: week of 5/14 (5/14 – 5/20), week of 5/21 (5/21 – 5/27), week of 6/25 (6/25 – 7/01), week of 7/02 (7/02 – 7/08), week of 7/23 (7/23 – 7/29), and week of 7/30 (7/30 – 8/05).

- (5) Failure to provide annual refresher training, as required by DeRGHW § 262.17(a)(7)(iii). The person listed in the contingency plan as an alternate emergency coordinator did not have refresher training for 2022.
  - (6) Failure to have the required content in a contingency plan, as required by DeRGHW § 262.17(a)(6). At the time of the CEI, the Respondent's contingency plan did not have an evacuation plan and information pertaining to arrangements with local authorities.
- b. On May 15, 2024, Respondent failed to make a hazardous waste determination, in violation of DeRGHW § 262.11. In the Chesmont Coater Room, five (5) waste aerosol cans (Ormadus<sup>®</sup> Oven & Grill Cleaner) were observed in an open, unlabeled 1-yd<sup>3</sup> hopper (container). A waste determination had not been made for the waste aerosol cans at the time of the observation.
  - c. On May 15, 2024, Respondent had open containers of hazardous waste when waste was neither being added or removed, in violation of DeRGHW § 265.173(a). At the time of the CEI, in the lab, Respondent had four (4) open 1-pint containers within a fume hood. The containers were accumulating tin/lead solder waste. According to a waste profile for "Tin/Lead solder from R&D", the waste stream is hazardous for lead and has the EPA waste code D008. At the time of the observation, waste was neither being added or removed.
  - d. From at least May 14, 2023 to August 5, 2023, Respondent failed to document and maintain records for weekly inspections of the hazardous waste accumulation area, as required by DeRGHW § 265.174. Respondent did not have weekly inspection records for the following weeks in 2023: week of 5/14 (5/14 – 5/20), week of 5/21 (5/21 – 5/27), week of 6/25 (6/25 – 7/01), week of 7/02 (7/02 – 7/08), week of 7/23 (7/23 – 7/29), and week of 7/30 (7/30 – 8/05).
  - e. From at least January 1, 2022 to December 31, 2022, Respondent failed to provide annual refresher training, as required by DeRGHW § 265.16(c). The person listed in the contingency plan as an alternate emergency coordinator did not have refresher training for 2022.
  - f. From at least May 15, 2024 to May 16, 2024, Respondent failed to have the required content in a contingency plan, as required by DeRGHW § 265.52. At the time of the CEI, the Respondent's contingency plan did not have an evacuation plan and information pertaining to arrangements with local authorities.

- g. On May 15, 2024, Respondent failed to properly label containers with universal waste lamps, in violation of DeRGHW § 273.14(e). At the time of the CEI, two (2) round containers (4ft and 8ft in length) were observed in the Maintenance Area. Both containers contained universal waste lamps. No labels were observed on either container. According to DeRGHW § 273.14(e), containers with waste lamps are required to be labeled with one of the following phrases: “Universal Waste – Lamp(s)”, “Waste Lamp(s)”, or “Used Lamp(s)”.
- h. From December 15, 2023 to June 2, 2024, Respondent stored universal waste for greater than one (1) year, in violation of DeRGHW § 273.15(a). At the time of the CEI, in the Mechanical Room, four (4) 5-gal containers were observed that had universal waste labels and a start accumulation date of 12/14/2022. In the containers were the following: “batteries”, “electronics”, “ballasts”, and “mercury”. The four (4) containers were shipped offsite on June 3, 2024.
11. Complainant and Respondent agree that settlement of this matter for a total penalty of **ELEVEN THOUSAND, TWO HUNDRED AND FIFTY DOLLARS (\$11,250.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and with specific reference to EPA’s October 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 (“RCRA Penalty Policy”), and the 2021 RCRA Expedited Settlement Agreement Pilot.
12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$ 11,250** to “**United States Treasury**” with the case name, address and docket number of this Agreement (RCRA-03-2025-0051), for the amount specified above. 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>.
13. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Jeremy Dearden, Inspector/Compliance Officer (3ED22)  
U.S. EPA, Region 3  
[Dearden.jeremy@epa.gov](mailto:Dearden.jeremy@epa.gov)

and

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region 3  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
17. By signing this 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 Agreement.
18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Rogers Corporation.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail

addresses: [dearden.jeremy@epa.gov](mailto:dearden.jeremy@epa.gov) (for Complainant), and  
[Sooviraj.hurgobin@rogerscorporation.com](mailto:Sooviraj.hurgobin@rogerscorporation.com) (for Respondent).

23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

**For Respondent:** Rogers Corporation

Date: 2/12/2025

By:   
Sooviraj Hurgobin  
Operations Manager

**For Complainant: U.S. Environmental Protection Agency, Region 3**

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

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*[Digital Signature and Date]*

Karen Melvin, Director

Enforcement and Compliance Assurance Division



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 Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

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*[Digital Signature and Date]*

Joseph J. Lisa  
Regional Judicial Officer  
U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

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|----------------------------|---|--|
| In the Matter of:          | : |  |
|                            | : |  |
| Rogers Corporation         | : |  |
| 2225 W. Chandler Boulevard | : | U.S. EPA Docket No.: RCRA-03-2025-0051 |
| Chandler, Arizona 85224    | : |  |
|                            | : |  |
| Respondent.                | : | Proceeding under Section               |
|                            | : | 3008(a) and (g) of the Resource        |
|                            | : | Conservation and Recovery Act, as      |
| Rogers Corporation - Bear  | : | amended, 42 U.S.C. § 6928(a) and (g)   |
| 1100 Governor Lea Road     | : |  |
| Bear, Delaware 19701       | : |  |
|                            | : |  |
| Facility                   | : |  |

**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement 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:

**Sooviraj Hurgobin, Operations Manager**  
**Rogers Corporation**  
[Sooviraj.hurgobin@rogerscorporation.com](mailto:Sooviraj.hurgobin@rogerscorporation.com)  
**1100 Governor Lea Road**  
**Bear, Delaware 19701**

**Jeremy Dearden**  
**Inspector/Compliance Officer**  
**U.S. EPA, Region 3**  
[Dearden.jeremy@epa.gov](mailto:Dearden.jeremy@epa.gov)

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