

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**



**In the Matter of:** :  
:   
**ENTEGRIS, INC.** : **U.S. EPA Docket No. RCRA-03-2024-0014**  
**129 CONCORD ROAD** :   
**BILLERICA, MA 01821** : **Proceeding under Sections 3008(a) and (g) of the**  
: **Resource Conservation and Recovery Act, 42**  
**Respondent.** : **U.S.C. §§ 6928(a) and (g)**  
:   
**ENTEGRIS CHESTER PLANT** :   
**800 W, FRONT STREET** :   
**CHESTER, PA 19013** :   
:   
**Facility.** :   
:

**CONSENT AGREEMENT**

**PRELIMINARY STATEMENT**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Entegris, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Sections 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), 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. Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), authorize the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA for the violations alleged herein.
  
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

**JURISDICTION**

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), the EPA has given notice to the Pennsylvania Department of Environmental Protection (“PADEP”) of the EPA’s intent to commence this administrative action against Respondent.

**GENERAL PROVISIONS**

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Effective January 30, 1986, and as revised on November 27, 2000, March 22, 2004, and June 29, 2009, EPA authorized the Commonwealth of Pennsylvania to administer its hazardous waste management program (“PaHWR”) in lieu of the federal program, including certain provisions implementing the Hazardous and Solid Waste Amendments enacted on November 8, 1984 (Pub. Law No. 98-616), which amended Subtitle C of RCRA. The authorized provisions of the PaHWR codified at 25 Pa. Code Chapters 260a – 266a, 266b, and 268a – 270a, thereby became

requirements of Subtitle C of RCRA and enforceable by the EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). See 51 Fed. Reg. 1791 (January 15, 1986), 65 Fed. Reg. 57734 (September 26, 2000), 69 Fed. Reg. 2674 (January 20, 2004) and 74 Fed. Reg. 19453 (April 29, 2009).

14. When the EPA last authorized the PaHWR on June 29, 2009, the EPA approved Pennsylvania's incorporation by reference of the federal regulations which were in effect as of October 12, 2005, including, among other things, incorporation of 40 C.F.R. § 262.34 (Accumulation Time, which lists the requirements for the generator permit exemption). As a result, 40 C.F.R. § 262.34 (2005) is the currently federally enforceable version of that RCRA regulation in Pennsylvania. On November 28, 2016, the EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 – 262.17. The Code of Federal Regulation citations used herein are to the 2005 Federal regulations.
15. Respondent is a Delaware corporation with headquarters located at 129 Concord Road in Billerica, Massachusetts.
16. Respondent is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 25 Pa. Code § 260a.10, and is subject to the assessment of civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g) for the violations alleged herein.
17. At all times relevant to the violations alleged in this Consent Agreement, Respondent owned or operated a specialty chemical manufacturing plant located at 800 W. Front Street in Chester, Pennsylvania (hereinafter "the Facility"), and was an "owner" and "operator" of a "facility", as these terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, and/or as defined in 25 Pa. Code § 260a.10. Prior to 2019, the Facility was owned or operated MPD Chemicals, LLC and by Norquay Technology, Inc.
18. At all times relevant to the violations alleged in this Consent Agreement, Respondent has been, a "generator" of "solid waste" and "hazardous waste" at the Facility, as these terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1, including, but not necessarily limited to, hazardous wastes having EPA hazardous waste codes D001, D002, D003, D021, F002, F003, F005, as specified in 40 C.F.R. §§ 261.21-.24, and 261.31 and incorporated by reference in 25 Pa. Code § 261a.1.
19. At all times relevant to the violations alleged in this Consent Agreement, Respondent generated 1,000 kilograms per month or more of hazardous waste, or more than one kilogram per month of acutely hazardous waste, and was a large quantity generator. On December 2, 1987, Respondent applied for and was subsequently assigned EPA RCRA ID No. PAD982363889.
20. At all times relevant to the violations alleged in this Consent Agreement, Respondent has engaged in the "storage" of "solid waste" and "hazardous waste" in "container[s]" and "tank[s]" at the Facility, as the term "storage" is defined in 25 Pa. Code Section 260a.10 and as

the remaining terms are defined in 40 C.F.R. § 260.10, as incorporated by reference in 25 Pa. Code § 260a.1.

21. At all times relevant to the violations alleged in this Consent Agreement, Respondent was a universal waste handler who did not accumulate 5,000 kilograms or more total of universal waste, and was a “Small Quantity Handler of Universal Waste” as this term is defined in 40 C.F.R. § 273.9, as incorporated by reference in 25 Pa. Code § 266b.1.
22. On February 4, 2020, the EPA, and a representative from the Pennsylvania Department of Environmental Protection (“PADEP”) conducted a RCRA Subtitle C Compliance Evaluation Inspection (“Inspection”) at Respondent’s Facility.
23. On September 28, 2020, the EPA issued a Notice of Potential Violation and Opportunity to Confer letter (“NOPVOC”) to Respondent (who was identified therein as Norquay, LLC) identifying potential RCRA violations at the Facility, including the violations alleged herein.

#### **Count I**

##### **Operation of Hazardous Waste Storage Facility Without a Permit or Interim Status**

24. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
25. Pursuant to Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), and 40 C.F.R. § 270.1(b), as incorporated by reference into 25 Pa. Code § 270a.1, no person may own or operate a facility for the treatment, storage or disposal of hazardous waste without first obtaining a permit or interim status for such facility.
26. Pursuant to 40 C.F.R. § 262.34(a), as incorporated by reference in 25 Pa. Code § 262a.10, generators of hazardous waste who accumulate hazardous waste in containers, tanks, drip pads, or containment buildings on-site for less than 90 days are exempt from the requirement to obtain a permit or interim status for such accumulation, so long as the hazardous waste is stored in accordance with a number of conditions set forth in that section.
27. Pursuant to 40 C.F.R. § 262.34(a)(1)(i), when hazardous waste is placed in containers, the generator must comply with the condition set forth at 40 C.F.R. § 265.171 (entitled “Condition of containers”), which requires that “[i]f a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.”
28. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in “Row 4” of the hazardous waste accumulation area (“HWAA”) at the Facility was severely dented.

29. Pursuant to 40 C.F.R. § 262.34(a)(1)(i), when hazardous waste is placed in containers, the generator must comply with the condition set forth at 40 C.F.R. § 265.173 (entitled “Management of containers”), which requires that “[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.” 40 C.F.R. § 265.173(a).
30. At the time of the February 4, 2020 Inspection, the lid on an aerosol can puncturing unit mounted on a 55-gallon container labeled as “Spent Aerosol Solvent” located in the Flammables Warehouse was open but waste was not being added or removed.
31. At the time of the February 4, 2020 Inspection, a 55-gallon fiber container holding nine spent aerosol cans located in the Equipment Storage Area was open but waste was not being added or removed.
32. Pursuant to 40 C.F.R. § 262.34(a)(2), a generator must ensure that “[t]he date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.”
33. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in the undesignated row of the HWAA at the Facility was not marked with the start accumulation date.
34. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in “Row 2” of the HWAA at the Facility was not marked with the start accumulation date.
35. At the time of the February 4, 2020 Inspection, two 55-gallon containers of hazardous waste located in “Row 3” of the HWAA at the Facility were not marked with the start accumulation date.
36. At the time of the February 4, 2020 Inspection, a 275-gallon tote accumulating hazardous waste solvent from a reactor on the mezzanine level located on the southeastern side of the Production Room at the Facility was not marked with the start accumulation date.
37. Pursuant to 40 C.F.R. § 262.34(a)(3), a generator must ensure that “[w]hile being accumulated on-site, each container and tank is labeled or marked clearly with the words, ‘Hazardous Waste.’”
38. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in the undesignated row of the HWAA at the Facility was not marked with the words “Hazardous Waste.”
39. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in “Row 2” of the HWAA at the Facility was not marked with the words “Hazardous Waste.”

40. At the time of the February 4, 2020 Inspection, a 275-gallon tote accumulating hazardous waste solvent from a reactor on the mezzanine level located on the southeastern side of the Production Room at the Facility was not marked with the words “Hazardous Waste.”
41. Pursuant to 40 C.F.R. § 262.34(a)(4), the generator must comply with the condition set forth at 40 C.F.R. § 265.52 (entitled “Content of contingency plan”), which requires that “[w]hen more than one person is listed [as qualified to act as emergency coordinator], one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.” 40 C.F.R. § 265.52(d).
42. At the time of the February 4, 2020 Inspection, the Facility’s Preparedness, Prevention and Contingency Plan listed two individuals emergency contacts but did not identify either as primary emergency coordinator.
43. Pursuant to 40 C.F.R. § 262.34(a)(4), the generator must comply with the condition set forth at 40 C.F.R. § 265.16 (entitled “Personnel training”), which requires that “[f]acility personnel must take part in an annual review of the initial training required in [40 C.F.R. § 265.16(a)]”. 40 C.F.R. § 265.16(c).
44. At the time of the February 4, 2020 Inspection, training records indicated that an employee responsible for conducting weekly hazardous waste accumulation area inspections at the Facility in 2017 did not receive an annual review of the initial hazardous waste training in 2017.
45. Pursuant to 40 C.F.R. § 262.34(c)(1)(ii), a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 C.F.R. § 261.33(e) in containers at or near any point of generation where the waste initially accumulated without a permit or interim status and without complying with 40 C.F.R. § 262.34(a) provided that it “[m]arks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.”
46. At the time of the February 4, 2020 Inspection, an open 55 gallon fiber container with nine spent aerosol cans inside that was being used as a satellite accumulation area container at the Facility was not marked with the words “Hazardous Waste” or with other words that identify the contents of the container.
47. At the time of the February 4, 2020 Inspection, Respondent stored a 55 gallon container located in “Row 3” of the HWAA at the Facility which was marked with an accumulation start date of October 15, 2019 indicating that the hazardous waste therein had been stored for 113 days.
48. For each of the reasons set forth in Paragraphs 26-47, above, Respondent failed to satisfy the conditions set forth in 40 C.F.R. §§ 262.34(a)(1)(i), (a)(2), (a)(3), (a)(4) and (c)(1)(ii) and, therefore, failed to qualify for the “less than 90-day” hazardous waste generator accumulation exemption of 25 Pa. Code Section 262a.10. The Facility, therefore, is a hazardous waste treatment, storage or disposal “[f]acility,” as that term is defined by 25 Pa. Code Section

260a.10, that was required to have a permit or interim status for its February 4, 2020 storage activities.

49. On February 4, 2020, Respondent did not have a permit or interim status and, therefore, was in violation of Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), 40 C.F.R. § 270.1(b) and 25 Pa. Code § 270a.1.
50. In failing to comply with Sections 3005(a) and (e) of RCRA, 42 U.S.C. §§ 6925(a) and (e), 40 C.F.R. § 270.1(b), and 25 Pa. Code § 270a.1, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

**Count II**  
**Failure to Make a Hazardous Waste Determination**

51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
52. Pursuant to 40 C.F.R. § 262.11, as incorporated by reference into 25 Pa. Code § 262a.10, a person who generates a solid waste must determine if that waste is a hazardous waste using the methods set forth in 40 C.F.R. § 262.11.
53. At the time of the February 4, 2020 Inspection, Respondent was managing the following materials at the Facility without having made hazardous waste determinations:
  - a. A full 55-gallon (approximate) low-density polyethylene (“LDPE”) container located the Flammables Warehouse;
  - b. A full 5-gallon (approximate) LDPE container located in the Flammables Warehouse;
  - c. A white 5-gallon (approximate) LDPE container located in of the Flammables Warehouse;
  - d. A black 5-gallon (approximate) LDPE container located in the Flammables Warehouse;
  - e. A blue 5-gallon (approximate) LDPE container located in the Flammables Warehouse;
  - f. A rectangular, translucent 5-gallon (approximate) container located in the Flammables Warehouse;
  - g. A translucent (approximate) 20-gallon (approximate) container located in of the Flammables Warehouse;
  - h. A blue, metal, nearly full 5-gallon (approximate) liquified compressed gas cylinder located in the Flammables Warehouse;

- i. A blue, metal 5-gallon (approximate) partially full liquified compressed gas cylinder located in the Flammables Warehouse;
  - j. Three spent aerosol cans: 3M Great Stuff™ Insulating Foam Sealant (16oz), Rust-Oleum® Rust Reformer (10.25oz), and CRC Industries Knock'er Loose® Plus Penetrating Solvent (11.5oz) located in an unlabeled plastic trash can in the Facility's maintenance shop; and
  - k. An open 55-gallon container labeled as "Overpack" accumulating mostly discarded metal materials, including nuts, bolts, metal shavings and a single spent aerosol can.
54. Each of the materials described in Paragraph 53, above, were "solid waste[s]" as this term is defined at 40 C.F.R. § 261.2, as incorporated by reference into 25 Pa. Code § 261a.1.
55. By generating solid wastes at the Facility and failing to make hazardous waste determinations as of February 4, 2020, Respondent violated 40 C.F.R. § 262.11 and 25 Pa. Code § 262a.10,
56. In failing to comply with 40 C.F.R. § 262.11 and 25 Pa. Code § 262a.10, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

### **Count III**

#### **Failure to Identify Primary Emergency Coordinator**

57. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
58. Pursuant to 40 C.F.R. § 264.52(d), as incorporated by reference into 25 Pa. Code § 264a.1, where more than one person is listed as qualified to act as emergency coordinator in a facility's contingency plan, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
59. At the time of the February 4, 2020 Inspection, the Facility's Preparedness, Prevention and Contingency Plan listed two individuals as emergency contacts but did not identify either as primary emergency coordinator.
60. By failing to identify a primary emergency coordinator in its Emergency Response Plan as of February 4, 2020, Respondent violated 40 C.F.R. § 264.52(d) and 25 Pa. Code § 264a.1.
61. In failing to comply with 40 C.F.R. § 264.52(d) and 25 Pa. Code § 264a.1, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

### **Count IV**

#### **Failure to Transfer Waste from a Container Not in Good Condition**

62. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

63. Pursuant to 40 C.F.R. § 264.171, as incorporated by reference into 25 Pa. Code § 264a.1, owners or operators are required to transfer hazardous waste from a container holding hazardous waste that is not in good condition, or that begins to leak, to a container that is in good condition, or to manage the waste in some other way that complies with the requirements of 40 C.F.R. § 264.171.
64. At the time of the February 4, 2020 Inspection, a 55-gallon container of hazardous waste located in “Row 4” of the HWAA at the Facility was severely dented.
65. By failing to transfer the hazardous waste from the severely dented 55-gallon container located in “Row 4” of the HWAA at the Facility to a container that is in good condition as of February 4, 2020, Respondent violated 40 C.F.R. § 264.171 and 25 Pa. Code § 264a.1.
66. In failing to comply with and 40 C.F.R. § 264.171 and 25 Pa. Code § 264a.1, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

#### **Count V**

#### **Failure to Keep Containers Closed When Not Adding or Removing Waste**

67. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
68. Pursuant to 40 C.F.R. § 264.173(a), as incorporated by reference into 25 Pa. Code § 264a.1, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
69. At the time of the February 4, 2020 Inspection, the lid on an aerosol can puncturing unit mounted on a 55-gallon container labeled as “Spent Aerosol Solvent” located in the Flammables Warehouse was open but waste was not being added or removed.
70. At the time of the February 4, 2020 Inspection, a 55-gallon fiber container holding nine spent aerosol cans located in the Equipment Storage Area was open but waste was not being added or removed.
71. By keeping the lid on an aerosol can puncturing unit mounted on a 55-gallon container labeled as “Spent Aerosol Solvent” in the Flammables Warehouse Area open while waste was not being added or removed as of February 4, 2020, and by keeping a 55-gallon fiber container holding nine spent aerosol cans in the Equipment Storage Area open while waste was not being added or removed as of February 4, 2020, Respondent violated 40 C.F.R. § 264.173(a) and 25 Pa. Code § 264a.1.
72. In failing to comply with 40 C.F.R. § 264.173(a) and 25 Pa. Code § 264a.1, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

**Count VI**  
**Failure to Properly Manage Universal Waste Lamps**

73. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
74. Pursuant to 40 C.F.R. § 273.13(d)(1), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
75. At the time of the February 4, 2020 Inspection, universal waste lamps were being stored in four open cardboard boxes in the mezzanine area above the Non-Flammable Warehouse at the Facility.
76. By storing universal waste lamps in open containers as of February 4, 2020, Respondent violated 40 C.F.R. § 273.13(d)(1) and 25 Pa. Code § 266b.1.
77. Pursuant to 40 C.F.R. § 273.13(d)(2), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents under reasonably foreseeable conditions.
78. At the time of the February 4, 2020 Inspection, several broken universal waste lamps were observed in open cardboard containers in the mezzanine area above the Non-Flammable Warehouse at the Facility.
79. By failing to immediately clean up and place into closed containers broken universal waste lamps as of February 4, 2020, Respondent violated 40 C.F.R. § 273.13(d)(2) and 25 Pa. Code § 266b.
80. Pursuant 40 C.F.R. § 273.14(e), as incorporated by reference into 25 Pa. Code § 266b.1, a small quantity handler of universal waste must clearly label or mark each lamp, or each container or package in which lamps are contained, with one of the following phrases: "Universal Waste - Lamp(s)," "Waste Lamp(s)" or "Used Lamp(s)."
81. At the time of the February 4, 2020 Inspection, at least three cardboard boxes containing universal waste lamps located in the mezzanine area above the Non-Flammable Warehouse at the Facility were not labeled or marked with any one of the following phrases "Universal Waste - Lamp(s)," "Waste Lamp(s)" or "Used Lamp(s)."

82. By failing to label or mark containers with universal waste lamps with “Universal Waste - Lamp(s),” “Waste Lamp(s)” or “Used Lamp(s), Respondent violated 40 C.F.R. § 273.14(e) and violated 25 Pa. Code § 266b.1.
83. Pursuant to 40 C.F.R. § 273.15(c), as incorporated by reference into 25 Pa. Code § 266b.1, 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 becomes a waste or is received, by one of the methods described in 40 C.F.R. § 273.15(c)(1)-(6).
84. As of the February 4, 2020 Inspection, Respondent had failed to demonstrate the length of time universal waste lamps contained in at least three cardboard boxes located in the mezzanine area above the Non-Flammable Warehouse at the Facility had been accumulating.
85. As of the February 4, 2020 Inspection, Respondent had failed to demonstrate the length of time universal waste batteries in a container outside the Production Office at the Facility had been accumulating.
86. By failing to demonstrate the length of time that universal waste at the Facility had been accumulated from the date it became a waste or was received, Respondent violated 40 C.F.R. § 273.15(c) and 25 Pa. Code § 266b.1.
87. In failing to comply with 40 C.F.R. §§ 273.13(d)(1) and (2), 273.14(e), and 273.15(c) and 25 Pa. Code § 266b.1, Respondent is subject to the assessment of penalties under Section 3008(g) of RCRA, 42 U.S.C. § 6928(g).

#### CIVIL PENALTY

88. In settlement of the EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FORTY-FIVE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT dollars (\$45,988)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
89. The civil penalty is based upon the EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith efforts to comply with applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA’s June 2003 *RCRA Civil Penalty Policy*, as updated May 1, 2020, which reflects the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
90. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **\$45,988** to **“United States Treasury”** with the

case name, address and docket number of this Consent Agreement and Final Order (EPA Docket No. RCRA-03-2024-0014), 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>

91. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Jennifer M. Abramson  
Senior Assistant Regional Counsel  
[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov)

and

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

92. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
93. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
94. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, the EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
95. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If

payment is not received within 30 calendar days of the effective date of this Consent Agreement, the EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

96. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
97. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
98. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov) (for Complainant), and [allen.kacenjar@squirepb.com](mailto:allen.kacenjar@squirepb.com) (for Respondent).

#### **GENERAL SETTLEMENT CONDITIONS**

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

#### **OTHER APPLICABLE LAWS**

102. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be

construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

**RESERVATION OF RIGHTS**

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

**EXECUTION /PARTIES BOUND**

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

**EFFECTIVE DATE**

105. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

**ENTIRE AGREEMENT**

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

For Respondent: Entegris, Inc.

Date: Feb 26, 2024

By: *Joe Colella*  
Joe Colella (Feb 26, 2024 11:18 EST)

Joe Colella  
Senior Vice President, General Counsel and Secretary  
Entegris, Inc.

For the Complainant:

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

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

Attorney for Complainant:

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103



In the Matter of: :  
: :  
: U.S. EPA Docket No. RCRA-03-2024-0014  
ENTEGRIS, INC. :  
129 CONCORD ROAD : Proceeding under Sections 3008(a) and (g) of  
BILLERICA, MA 01821 : the Resource Conservation and Recovery Act,  
: 42 U.S.C. §§ 6928(a) and (g)  
Respondent. :  
: :  
ENTEGRIS CHESTER PLANT :  
800 W, FRONT STREET :  
CHESTER, PA 19013 :  
: :  
Facility. :

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Entegris, Inc. have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's 2003 RCRA Civil Penalty Policy, as updated May 1, 2020, and the statutory factors set forth in Section 3008(a)(3) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)(3).

**NOW, THEREFORE, PURSUANT TO** Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FORTY-FIVE THOUSAND NINE HUNDRED AND EIGHTY-EIGHT dollars (\$45,988)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

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

Date: \_\_\_\_\_

By: \_\_\_\_\_

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

In the Matter of:	:
	:
ENTEGRIS, INC.	: U.S. EPA Docket No. RCRA-03-2024-0014
129 CONCORD ROAD	:
BILLERICA, MA 01821	: Proceeding under Sections 3008(a) and (g) of the
	: Resource Conservation and Recovery Act, 42
Respondent.	: U.S.C. §§ 6928(a) and (g)
	:
ENTEGRIS CHESTER PLANT	:
800 W, FRONT STREET	:
CHESTER, PA 19013	:
	:
Facility.	:

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**CERTIFICATE OF SERVICE**

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

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

Jennifer M. Abramson  
Senior Assistant Regional Counsel  
U.S. EPA, Region 3  
[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov)

Eric ("Rick) Greenwood  
Senior Enforcement Officer/Inspector  
U.S. EPA, Region 3  
[Greenwood.Eric@epa.gov](mailto:Greenwood.Eric@epa.gov)

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