Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Gresham, Oregon, Facility Enter into Expedited Settlement Agreement

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") and Microchip Technology, Inc. ("MTI") entered into a June 2nd Expedited Settlement Agreement ("ESA") addressing alleged violations of federal Resource Conservation and Recovery Act ("RCRA") regulations. See Docket No. RCRA-10-2022-0191.

The ESA provides that MTI is the owner or operator of the Microchip Technology, Inc., facility ("Facility") in Gresham, Oregon.

An EPA inspection was stated to have been conducted at the Facility on August 4 and 5, 2021. The violations allegedly identified included:

- Detection instruments used to conduct leak detection monitoring for equipment covered under 40 CFR Part 265, Subpart BB, instrument calibration was performed monthly rather than before use on each day of instrument use.
- Detection instruments used to conduct leak detection monitoring for equipment covered under 40 CFR Part 265, Subpart BB, instrument calibration utilized 100 ppm isobutylene gas.
- Chemical transfer station unit tanks in which MTI accumulated hazardous waste were not labeled with the words "Hazardous Waste."
- Three chemical transfer station unit tanks in which MTI accumulated hazardous waste for which no documentation was presented that established the Facility was in compliance with the applicable requirements of Subpart J of 40 CFR Part 265 regarding these tanks and associated equipment.
- Three chemical transfer station unit tanks in which MTI accumulated hazardous waste for which no documentation was presented that established the Facility was in compliance with the applicable requirements of Subpart BB of 40 CFR Part 265 regarding these tanks and associated equipment.
- Three chemical transfer station unit tanks in which MTI accumulated hazardous waste for which no documentation was presented that established the Facility was in compliance with the applicable requirements of Subpart CC of 40 CFR Part 265 regarding these tanks and associated equipment.
- A net reading of 747.2 ppmv coming from the spring-loaded conservation vent on the EBR CTS tank that was subject to 40 C.F.R. subpart CC monitoring standards, which constituted a defect of greater than 500 ppmv.
- MTI is stated to have indicated that at the time of inspection the equipment contacting hazardous waste was during pump-out of the IP A, EBR, and SWP hazardous waste tanks was considered

excluded from monitoring under 40 C.F.R. § 265 .1050(e), but did not have written identification of this pump-out equipment as excluded for purposes of the 300-hour exemption.

- EPA inspectors are stated to have observed at the time of the inspection that three valves at the pump-out station and three pumps in chemical transfer stations were subject to Subpart BB of 40 C.F.R. Part 265, but were not marked in such a manner that they could be distinguished readily from other pieces of equipment.
- In the universal waste room at the Facility, which was a small quantity handler of universal waste, there was one
- box of used lamps, a universal waste, that was open and not labeled or marked clearly with one of the required phrases.

MTI neither admits nor denies the factual allegations in the ESA.

A civil penalty of $12,500 is assessed.

A copy of the ESA can be downloaded here.