



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

PHONE
(302) 739-9000

**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT
AND SECRETARY'S ORDER**

Pursuant to 7 *Del. C.* §§ 6005(b)(2) and (b)(3)

Order No. 2026-WH-0004

Issued To:

Via Certified Mail, Return Receipt

Via Personal Service Registered Agent

Mr. Gustav Ruggiero
EHS Specialist
Agilent Technologies, Inc. –
Newport Site
2850 Centreville Road
Wilmington, DE 19808

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Dear Mr. Ruggiero:

This is to notify Agilent Technologies, Inc., located at 538 First State Boulevard, Newport, Delaware 19804 (“Facility”), that the Secretary¹ of the Delaware Department of Natural Resources and Environmental Control (“Department”) has found Agilent Technologies, Inc. (“Respondent” or “Agilent”) in violation of 7 *Del. C.* Chapters 60 and 63, and 7 DE Admin. Code § 1302,

¹ The head of the Delaware Department of Natural Resources and Environmental Control as appointed by the Governor.

Delaware’s “Regulations Governing Hazardous Waste” (“DRGHW”). Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary’s Order (“Secretary’s Order”), pursuant to 7 *Del. C.* § 6005.

BACKGROUND

Respondent operates a facility that manufactures substrates² used to create high performance liquid chromatography (“HPLC”) columns. During routine operations, the Facility generates hazardous waste, universal waste, and used oil, which are therefore subject to the requirements of DRGHW. This includes compliance inspections conducted by the Department.

On September 11, 2025, Department representatives conducted a hazardous waste compliance inspection (“Compliance Inspection”) at the Facility. At the time of the Compliance Inspection, Respondent was a large quantity generator (“LQG”)³ of hazardous waste. The Facility is assigned EPA ID number DED982676595.

During the Compliance Inspection, the Department identified twelve (12) violations of DRGHW. As a result of those findings the Department issued Notice of Violation (NOV) 25-HW-27 on November 3, 2025.

² A substrate is the underlying surface or material to which another substance is applied.

³ Generators of greater than or equal to 1,000 kilograms (≈2,200 pounds) of non-acute hazardous waste in any calendar month and/or greater than 1 kilogram (≈2.2 pounds) of acute hazardous waste in any calendar month are large quantity generators (DRGHW Section 260.10, 2021).

In response to NOV 25-HW-27, Respondent submitted documentation to the Department demonstrating correction of each of the twelve (12) violations, the last submission received by the Department on December 11, 2025.

FINDINGS OF FACT AND VIOLATION INCLUDING REGULATORY REQUIREMENTS

1. DRGHW Section 262.15(a)(4) states:

“Section 262.15 Satellite accumulation area regulations for small and large quantity generators.

(a) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in §261.31 or §261.33(e) of these regulations or 1 kilogram (≈2.2 pounds) of solid acute hazardous waste listed in §261.31 or §261.33(e) of these regulations in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator(s) of the process generating the waste, without a permit or interim status and without complying with the requirements of Parts 124, 264 through 266, and 122 of these regulations, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in §262.16(b) or §262.17(a), except as required in §262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

...

- (4) A container holding hazardous waste must be closed at all times during accumulation, except:
 - (i) When adding, removing, or consolidating waste; or

- (ii) When temporary venting of a container is necessary
 - (A) For the proper operation of equipment, or
 - (B) To prevent dangerous situations, such as build-up of extreme pressure.”

At the time of the Compliance Inspection, Department representatives observed five 3-gallon plastic containers and one 1-liter plastic container of hazardous waste spent solvent in the Column Load and Test 1 satellite accumulation area. Each of the containers were open at the time of the Compliance Inspection. Hazardous waste was not being added to or removed from any of the containers, nor was it necessary for the containers to remain open for temporary venting.

Failure to close hazardous waste containers in a satellite accumulation area, unless hazardous waste is being added or removed or temporary venting is necessary, violates DRGHW Section 262.15(a)(4).

During the Compliance Inspection, Respondent immediately closed each of the observed containers, correcting this violation to the Department’s satisfaction.

2. DRGHW Section 262.15(a)(5)(i) states:

“(5) A generator must mark or label its container with the following:

(i) The words ‘Hazardous Waste’;”

At the time of the Compliance Inspection, Department representatives observed the following containers of hazardous waste in satellite accumulation areas at the Facility:

- Two 3-gallon safety cans of hazardous waste spent solvents in the Bonding Lab 1 satellite accumulation area;
- A 15-gallon flip-top can of hazardous waste contaminated gloves in the Odin Chem Room satellite accumulation area;
- A 1-gallon plastic container of hazardous waste contaminated sharps in the Column Load and Test 1 satellite accumulation area; and
- A 100-mL plastic container of hazardous waste spent solvent in the Column Load and Test 1 satellite accumulation area.

None of the observed containers were labeled with the phrase “Hazardous Waste.” Failure to properly label a container accumulating hazardous waste in a satellite accumulation area with the phrase “Hazardous Waste” violates DRGHW Section 262.15(a)(5)(i).

During the Compliance Inspection, Respondent immediately placed “Hazardous Waste” labels on each of the observed containers, correcting the violation to the Department’s satisfaction.

3. DRGHW Section 262.17(a) states in part:

“A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without

complying with the requirements of Parts 124, 264 through 266, and 122 of these regulations, or the notification requirements of 7 *Del.C.* §6304(a), provided that all of the following conditions for exemption are met:

(a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension...”

DRGHW Section 122.1(c) states in part:

“(c) Scope of the hazardous waste permit requirement. DNREC requires a permit for the ‘treatment’, ‘storage’, and ‘disposal’ of any ‘hazardous waste’ as identified or listed in Part 261. The terms ‘treatment’, ‘storage’, ‘disposal’, and ‘hazardous waste’ are defined in Section 122.2. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit.”

At the time of the Compliance Inspection, Department representatives observed the following containers of hazardous waste in the Chemical Storage Room 1 central accumulation area that had exceeded the 90-day accumulation limit for large quantity generators:

- A 5-gallon plastic bucket of hazardous waste broken glass contaminated with toluene and acetone dated May 8, 2025. On the date of the Compliance Inspection, this container had been accumulated on site for one hundred and twenty-seven (127) days, exceeding the ninety (90) day accumulation limit by thirty-seven (37) days.

- A 1-gallon bag accumulating hazardous waste personal protective equipment contaminated with TMAOH as previously identified in Violation #4. Said 1-gallon bag was dated June 12, 2025. On the date of the Compliance Inspection, this container had been accumulated on site for ninety-two (92) days, exceeding the ninety (90) day accumulation time limit by 2 days.

Additionally, Department representatives reviewed a copy of a December 18, 2023, email from D. Bennett of Agilent to A. Hartman of Veolia, Agilent’s hazardous waste transporter. In the email, D. Bennett documented a hazardous waste container he observed in their main central accumulation area the prior week, dated June 30, 2023. D. Bennett commented that the hazardous waste container needed to be shipped off-site as soon as possible because it had exceeded the ninety (90) day accumulation limit. At the time of that email correspondence, the container had been accumulating on site for one hundred and seventy-two (172) days, exceeding the ninety (90) day accumulation time limit by eighty-two (82) days.

A large quantity generator is exempt from permitting requirements provided it accumulates hazardous waste for no more than ninety (90) days as set forth in DRGHW Section 262.17(a). Respondent did not request, nor was it granted, an extension to the ninety (90) day accumulation limit.

Respondent failed to comply with a condition for exemption from permitting, subjecting it to the permitting requirements of DRGHW Section 122.1(c). Operating a hazardous waste storage facility without a permit violates DRGHW Section 122.1(c).

On November 26, 2025, Respondent provided the Department with documentation demonstrating all waste that had been accumulated for more than ninety (90) days had been shipped off-site. On December 11, 2025, Respondent provided additional information regarding the shipment of the TMAOH waste, correcting the violation to the Department’s satisfaction.

4. DRGHW Section 262.17(a)(1)(vi) states:

“(a) *Accumulation.* A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section. The following accumulation conditions also apply:

(1) Accumulation of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator must comply with the following:

...

(vi) Inspections. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See paragraph (a)(1)(ii) of this section for remedial action required if deterioration or leaks are detected. A written record of the inspections and remedial actions taken, if necessary, must be maintained onsite for a minimum of 3 years.”

At the time of the Compliance Inspection, Respondent provided weekly inspection records for each of its hazardous waste central accumulation areas. Department representatives found that inspections were not documented in the Reactor Room, Chemical Storage Room 1, Acid Etch Semco, and Column

Load and Testing 1 central accumulation areas during the following calendar weeks: November 19, 2023; June 9, 2024; July 7, 2024; August 4, 2024; and December 29, 2024.

Failure to inspect a hazardous waste central accumulation area at least weekly violates DRGHW Section 262.17(a)(1)(vi).

On September 18, 2025, Respondent provided the Department with an updated procedure for its weekly inspection process, which includes a weekly calendar reminder, correcting the violation to the Department’s satisfaction.

5. DRGHW Section 262.17(a)(5)(i)(B) states:

“(a) *Accumulation*. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section. The following accumulation conditions also apply:

- ...
- (5) Labeling and marking of containers and tanks
 - (i) Containers. A large quantity generator must mark or label its containers with the following:

...

(B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704);”

At the time of the Compliance Inspection, Department representatives observed the following containers of hazardous waste in central accumulation areas at the site:

- A 1-gallon plastic bag of hazardous waste contaminated personal protective equipment contaminated with trimethylammonium hydroxide (“TMAOH”) in the Chemical Storage Room 1 central accumulation area; and
- A 3-gallon plastic bag of hazardous waste contaminated personal protective equipment in the 2,000-gallon Hazardous Waste Tank Room central accumulation area.

None of the observed containers were marked with an indication of the hazard(s) associated with the waste.

Failure to properly mark a container in a central accumulation area with an indication of the hazards of the container’s contents violates DRGHW Section 262.17(a)(5)(i)(B).

During the Compliance Inspection, Respondent immediately marked each of the observed containers with an indication of the associated hazards, correcting this violation to the Department’s satisfaction.

6. DRGHW Section 262.17(a)(5)(i)(C) states:

“(i) Containers. A large quantity generator must mark or label its containers with the following:

- ...
- (C) The date upon which each period of accumulation begins clearly visible for inspection on each container.”

At the time of the Compliance Inspection, Department representatives observed a 3-gallon bag of hazardous waste contaminated personal protective equipment in the 2,000-gallon Hazardous Waste Tank Room central accumulation area. The bag was not marked with an accumulation start date.

Failure to properly mark a container accumulating hazardous waste in a central accumulation area with the accumulation start date violates DRGHW Section 262.17(a)(5)(i)(C).

During the Compliance Inspection, Respondent immediately marked the container with the accumulation start date, correcting this violation to the Department’s satisfaction.

7. DRGHW Section 262.17(a)(5)(ii) states:

“(5) A generator must mark or label its container with the following:

...
(ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).”

At the time of the Compliance Inspection, Department representatives observed the following containers of hazardous waste in the Column Load and Test 1 satellite accumulation area:

- Three 3-gallon containers of hazardous waste spent solvent;
- A 1-gallon plastic container of hazardous waste contaminated sharps; and
- A 100-mL plastic container of hazardous waste spent solvent.

None of the observed containers were marked with an indication of the hazard(s) of the contents. Failure to mark each satellite accumulation area container with the hazard(s) associated with the waste violates DRGHW Section 262.15(a)(5)(ii).

During the Compliance Inspection, Respondent immediately marked each of the observed containers with an indication of the hazard(s) associated with their contents, correcting the violation to the Department’s satisfaction.

8. DRGHW Section 262.262(a) states:

“A printed copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator’s facility and-

(a) The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate. Documentation of written submission and receipt must be maintained at the facility for three (3) years from the requirement last being applicable.”

A large quantity generator is required to have a contingency plan for the facility with contents specified by DRGHW.⁴ At the time of the Compliance Inspection, Respondent provided the Department with a copy of its current contingency plan, amended in November 2024. This amendment included the addition of G. Ruggiero to the list of emergency coordinators,

⁴ DRGHW Section 262.260-261.

which is a substantive revision requiring re-submission of the contingency plan to local emergency responders.

At the time of the Compliance Inspection, Department representatives observed a log in the contingency plan indicating that the contingency plan was most recently mailed to the local police department, fire department, and hospital on March 21, 2022. When Department representatives inquired if the plan had been mailed since 2022, Respondent indicated that the 2022 mail date reflected the most recent submission.

Failure to submit a copy of the November 2024 version of the contingency plan to local emergency responders violates DRGHW Section 262.262(a).

On November 26, 2025, Respondent provided the Department with documentation demonstrating the contingency plan had been submitted to all appropriate local emergency responders, correcting the violation to the Department’s satisfaction.

9. DRGHW Section 262.262(b) states in part:

“(b) A large quantity generator that first becomes subject to these provisions after January 21, 2021 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.”

At the time of the Compliance Inspection, Respondent provided the Department with a copy of its contingency plan quick reference guide, dated

August 2, 2022. Upon review, Department representatives found that Respondent failed to update the quick reference guide at the time the contingency plan was updated in November 2024 to reflect the following changes:

- List of emergency coordinators. G. Ruggiero was not included on the list in the quick reference guide, despite being listed as an emergency coordinator in the contingency plan itself.
- Estimated maximum amount of each hazardous waste that may be present at any one time. The quick reference guide indicated the maximum amount of hazardous waste on site at any one time to be 2,500 gallons of spent flammable solvents and 300 gallons of spent corrosive solvents. These volumes do not account for the volume of the 5,000-gallon hazardous waste tank that became operational in December 2024.
- Map showing where hazardous waste is generated, accumulated, or treated. While the quick reference guide included a map of Building 538, it did not include a map of Building 508, which includes the recently installed 5,000-gallon hazardous waste tank.

Failure to update the quick reference guide at the time the contingency plan was updated violates DRGHW Section 262.262(b).

On October 21, 2025, Respondent provided an updated quick reference guide, correcting this violation to the Department's satisfaction.

10. DRGHW Section 262.263 states:

“The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

- ...
- (d) The list of emergency coordinators changes;”

At the time of the Compliance Inspection, Respondent provided a printed copy of the site’s contingency plan dated November 2024. Department representatives found that the contingency plan listed B. James as an emergency coordinator. However, B. James had separated from the company in April 2025, and, thus, was no longer one of the site’s emergency coordinators.

Failure to amend a hazardous waste contingency plan following a change to the list of emergency coordinators violates DRGHW Section 262.263(d).

On October 21, 2025, Respondent provided a revised copy of the contingency plan showing that B. James is no longer listed as an emergency coordinator, correcting the violation to the Department’s satisfaction.

11. DRGHW Section 265.195(a) states:

“(a) The owner or operator must inspect, where present, at least once each operating day:

- (1) Overfill/spill control equipment (e.g., waste feed cut off systems, bypass systems, and drainage systems) to ensure that it is in good working order;
- (2) The aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
- (3) Data gathered from monitoring equipment and leak detection equipment, (e.g., pressure and temperature

gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and (4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation);

[Note: §265.15(c) requires the owner or operator to remedy any deterioration or malfunction he finds. Section 265.196 requires the owner or operator to notify the Secretary upon confirming a release. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of a release.]”

At the time of the Compliance Inspection, Respondent provided daily hazardous waste tank inspection records for both the 2,000-gallon and 5,000-gallon hazardous waste tanks. Upon review, Department representatives found that Respondent failed to inspect the 5,000-gallon hazardous waste tank on the following dates:

Date	Date
January 1, 2025	February 5, 2025
January 2, 2025	February 27, 2025
January 3, 2025	March 6, 2025
January 6, 2025	March 25, 2025
January 16, 2025	May 1, 2025
January 17, 2025	May 2, 2025

Failure to complete daily hazardous waste tank inspections is a violation of DRGHW Section 265.195(a).

On November 26, 2025, Respondent provided an updated procedure and an example log to document daily tank inspections, thereby correcting the violation to the Department’s satisfaction.

12. DRGHW Section 265.1063(b)(3) states:

“(b) Leak detection monitoring, as required in §§ 265.1052-265.1062, shall comply with the following requirements:

- ...
- (3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.”

At the time of the Compliance Inspection, Respondent provided records of its air emission monitoring required under DRGHW Part 265, Subpart BB. Upon review, Department representatives identified the following 5 monitoring dates during which Respondent’s contractor failed to calibrate the monitoring device (either a photoionization detector (“PID”) or flame ionization detector (“FID”)) on the day it was used:

Monitoring Date	Calibration Date	Monitoring Device	Equipment
10/24/2022	10/18/2022	PID	Hydroboration Reactor 1, Waste Pump #1
			Hydroboration Reactor 2, Waste Pump #2
		FID	Silyation Reactor 1, Recirculation Pump #1
			Silyation Reactor 2, Recirculation Pump #2
			Acetonitrile System, Recirculation Pump #3
11/4/2022	10/24/2022	PID	Hydroboration Reactor 1, Waste Pump #1

			Hydroboration Reactor 2, Waste Pump #2
2/7/2023	1/24/2023	PID	Hydroboration Reactor 1, Waste Pump #1
			Hydroboration Reactor 2, Waste Pump #2
3/20/2023	3/17/2023	PID	Hydroboration Reactor 1, Waste Pump #1
			Hydroboration Reactor 2, Waste Pump #2
		FID	Silyation Reactor 1, Recirculation Pump #1
			Silyation Reactor 2, Recirculation Pump #2
Acetonitrile System, Recirculation Pump #3			
2/14/2024	2/13/2024	PID	Hydroboration Reactor 1, Waste Pump #1
			Hydroboration Reactor 2, Waste Pump #2

Failure to calibrate the monitoring device on the date on which the instrument was used is a violation of DRGHW Section 265.1063(b)(3).

This violation was also identified during an inspection conducted on January 19, 2022. At that time, the Department issued Notice of Violation 22-HW-02 to Respondent. On March 28, 2022, Respondent provided documentation that the violation had been corrected, along with a statement from its contractor that all calibration occurs the day of the monitoring.

On November 26, 2025, in response to NOV 25-HW-27, Respondent submitted an updated procedure and calibration log reminding the technician that calibration must occur on the same day as the monitoring, correcting this

violation to the Department’s satisfaction. The submission also includes a statement from Respondent’s contractor: “Since April 2023, calibration of monitoring equipment has been performed the same day of use, in compliance with DRGHW Section 265.1063(b)(3). The noted violation has been corrected prior to receiving this notice.” Despite the contractor’s statement that it previously identified and corrected the violation in April 2023 prior to the issuance of NOV 25-HW-27, the NOV and this Order identify an instance on February 14, 2024, in which the calibration was not conducted on the day of the monitoring and thus was not in compliance with DRGHW Section 265.1063(b)(3).

CONCLUSIONS

Based on the foregoing, the Department has concluded that Respondent violated the above-cited regulatory provisions.

ASSESSMENT OF PENALTY

Pursuant to 7 *Del. C.* § 6005(b)(3), the Secretary may impose an administrative penalty of not more than \$40,000.00 for each day of each violation detailed in this Order. This Order is written notice to Respondent that, based upon its findings, the Department is assessing Respondent an administrative penalty for the violations identified in this Assessment and Order. In assessing the administrative penalty, 7 *Del. C.* § 6005(b)(3) instructs the Secretary to consider the following factors: (1) the nature, circumstances, extent, and gravity of the violation, or violations; (2) the ability of the violator to pay; (3) any prior history of such violations; (4) the degree of culpability; (5) the economic benefit or savings (if any) resulting from each violation; and

(6) such other matters as justice may require. A brief discussion of these factors is set forth below.

1. The Nature, Circumstances, Extent and Gravity of the Violation, or

Violations:

The nature, circumstances, extent, and gravity of the violations are significant. This Order identifies and describes twelve (12) regulatory violations. Failing to ensure compliance with the regulatory requirements for the management of hazardous waste, including failing to properly label hazardous waste containers, failing to close hazardous waste containers, failing to mark a hazardous waste container with an accumulation start date, operating a hazardous waste facility without a permit by storing waste longer than the time limit allowed for large quantity generators, failing to update its site contingency plan and quick reference guide, failing to submit its contingency plan to local emergency responders, failing to conduct inspections of containers and tanks in central accumulation areas, and failing to calibrate air monitoring equipment on the days it was used, are all significant deviations from the regulatory requirements cited herein.

2. Respondent's Ability to Pay:

The record contains no information that Respondent lacks the ability to pay the administrative penalty assessed.

3. Prior History of Violations:

Respondent's prior history of violations was not a factor in assessing the administrative penalty.

4. Degree of Culpability:

The degree of culpability is significant. Had Respondent employed reasonable oversight measures as DRGHW require, the violations would not have occurred.

5. Economic Benefit or Savings Resulting from the Violation(s):

With respect to the economic benefit, the record contains no information that Respondent incurred any meaningful economic benefit from the violations, and thus this was not a factor in the administrative penalty assessment.

6. Such Other Matters as Justice May Require:

Lastly, considering such other matters as justice may require, the Secretary has determined that the penalty assessed is proportional to the violations cited herein and has been calculated to deter Respondent, and those similarly situated, from engaging in future violations.

Pursuant to 7 *Del. C.* § 6005(b)(3), this is written notice to Respondent that on the basis of the above findings and factors, a multi-day administrative penalty of \$53,920.00 is assessed for the violations identified in this Order.

Respondent shall submit one check to the Department in the amount of \$53,920.00 to pay the administrative penalty within thirty (30) days from the receipt of this Assessment and Order. The check shall be made payable to the “State of Delaware” and shall be directed to: Carlene Clark, DNREC-Office of the Secretary, 89 Kings Highway SW, Dover, Delaware 19901.

PUBLIC HEARING AND APPEAL RIGHTS

This Secretary's Order affects Respondent's legal rights and is effective and final upon receipt by Respondent. Pursuant to 7 *Del. C.* § 6008, any person whose interest is substantially affected by this action of the Secretary may appeal to the Environmental Appeals Board within **twenty (20) days** of the receipt of the Secretary's Order. Respondent may also, pursuant to 7 *Del. C.* § 6005(b)(3), request a public hearing on the Secretary's Order within **thirty (30) days** of receipt of the Secretary's Order. A public hearing pursuant to 7 *Del. C.* § 6005(b)(3) would be conducted pursuant to 7 *Del. C.* § 6006, and the Secretary's order following the hearing would be subject to appeal, pursuant to 7 *Del. C.* § 6008, by any person substantially affected.

Respondent is further advised that the above assessed administrative penalty shall be due and owing within thirty (30) days of Respondent's receipt of this Secretary's Order. In the event of nonpayment of the administrative penalty assessed above, and after Respondent has exhausted all legal appeals, if any, a civil action may be brought by the Secretary in Superior Court for collection of the administrative penalty, including interest, attorneys' fees and costs, and the validity, amount and appropriateness of such administrative penalty and/or costs shall **not** be subject to review pursuant to 7 *Del. C.* §§ 6005(b)(3) and (c).

To request a public hearing pursuant to 7 *Del. C.* § 6005(b)(3), please submit your request, in writing, to:

Department of Natural Resources and Environmental Control
Office of the Secretary

89 Kings Highway
Dover, DE 19901
Telephone: (302) 739-9000

To submit an appeal to the Environmental Appeals Board pursuant to 7 *Del. C.* § 6008, you must file your written statement of appeal and submit a check, made payable to: “Environmental Appeals Board,” for the \$50.00 filing fee, to:

Department of Natural Resources and Environmental Control
Office of the Secretary
Attn: Assistant to the Environmental Appeals Board
89 Kings Highway
Dover, DE 19901
Telephone: (302) 739-9000

For additional information on filing an appeal with the Environmental Appeals Board and what information you must include in your written statement of appeal, please refer to the Environmental Appeals Board Regulations, codified at 7 DE Admin. Code § 105.

The Department, to the extent necessary, reserves the right to take additional enforcement actions regarding these and other violations by Respondent, including but not limited to one or more of the following: an action under 7 *Del. C.* § 6005(b)(1) seeking penalties for past violations, an action under 7 *Del. C.* § 6005(b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 *Del. C.* § 6005(b)(2) seeking a temporary restraining order or an injunction, and the imposition of civil penalties and recovery of the Department’s costs and attorney’s fees pursuant to 7 *Del. C.* §§ 6005(b)(3) & (c)(1). Nothing in this document shall be

deemed to estop, or in any way preclude any additional enforcement action for these or any other violations, including administrative and civil penalties for each day of violation, or an action for the recovery of Department costs expended in abating these violations.

SECRETARY’S ORDER FOR COST RECOVERY

Pursuant to 7 *Del. C.* § 6005(c), Respondent is liable for all expenses incurred by the Department in abating the violations detailed in this Secretary’s Order. “Such expenses shall include, but not be limited to, the costs of investigation, legal fees and assistance, public hearings, materials, equipment, human resources, contractual assistance and appropriate salary and overtime pay for all state employees involved in the effort notwithstanding merit system laws, regulations or rules to the contrary.” (7 *Del. C.* § 6005(c)(1)).

Respondent is liable for \$3,603.00 in costs, which the Department has incurred to date in abating the violations detailed in this Secretary’s Order. The Department has attached to this Secretary’s Order a detailed billing of expenses detailing these costs. Respondent shall remit a check payable to the State of Delaware in the amount of \$3,603.00 within thirty (30) days of receipt of this Secretary’s Order to Carlene Clark, DNREC-Office of the Secretary, 89 Kings Hwy SW, Dover, Delaware 19901.

In the event that Respondent appeals this Secretary’s Order pursuant to 7 *Del. C.* § 6008 or requests a public hearing pursuant to 7 *Del. C.* § 6005(b)(3), or in the event Respondent fails to comply with this Secretary’s Order, the Department will rescind the detailed billing attached to this

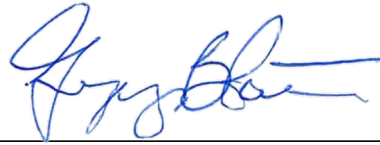
Secretary’s Order. The Department will issue Respondent a new detailed billing and Cost Recovery Order following exhaustion of Respondent’s appeal rights that will include costs that the Department has incurred to date in abating the violations contained in this Secretary’s Order, as well as all additional recoverable costs incurred by the Department as a result of Respondent’s continued non-compliance and/or Respondent’s appeal. Respondent is further advised that Respondent may challenge the Department’s final detailed billing in accordance with 7 *Del. C.* § 6005(c)(2).

PAYMENT

If Respondent does not wish to exercise its legal rights to a hearing or appeal, Respondent may pay the administrative penalty of \$53,920.00 and the Department’s costs in the amount of \$3,603.00 prior to the end of the appeal period, in the manner described in the attached “**Waiver of Statutory Right to A Hearing.**” **By doing so, Respondent waives the right to a hearing and the opportunity to appeal or contest this Secretary’s Order.**

If you have any questions, please contact or have your attorney contact Travis Groski, Deputy Attorney General, at (302) 484-8964.

March 16, 2026



Date

Gregory Patterson
Secretary
Delaware Department of Natural Resources
and Environmental Control

cc: Travis Groski, Deputy Attorney General
Timothy Ratsep, Division Director

WAIVER OF STATUTORY RIGHT TO A HEARING

Agilent Technologies, Inc. – Newport Site hereby waives its right to a public hearing and its opportunity to appeal or contest this Secretary’s Order, and agrees to the following:

1. **Agilent Technologies, Inc. – Newport Site** will pay the administrative penalty in the amount of \$53,920.00 by sending a check payable to the “State of Delaware” within 30 days of receipt of this Assessment and Order. The check shall be directed to Carlene Clark, DNREC-Office of the Secretary, 89 Kings Highway SW, Dover, Delaware 19901.
2. **Agilent Technologies, Inc. – Newport Site** will pay the Department’s Costs in the amount of \$3,603.00 by sending a check payable to the “State of Delaware” within 30 days of receipt of this Secretary’s Order. The check shall be directed to Carlene Clark, DNREC-Office of the Secretary, 89 Kings Hwy SW, Dover, Delaware 19901.

Agilent Technologies, Inc. – Newport Site

Date: _____

By: _____
(Signature)

Title: _____

Name: _____
(Print)