

**FILED**

Sep 05, 2025

9:07 am

U.S. EPA REGION 5  
HEARING CLERK

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. RCRA-05-2025-0034</b>
	)	
<b>Sherwin-Williams Company</b>	)	<b>Proceeding to Commence and Conclude</b>
<b>Holland, Michigan</b>	)	<b>an Action to Assess a Civil Penalty</b>
	)	<b>Under Section 3008(a) of the Resource</b>
	)	<b>Conservation and Recovery Act,</b>
<b>Respondent.</b>	)	<b>42 U.S.C. § 6928(a)</b>
	)	

**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Licenses (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Michigan pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Sherwin-Williams Company, a corporation doing business in the State of Michigan.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the

issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

#### **Jurisdiction and Waiver of Right to Hearing**

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

#### **Statutory and Regulatory Background**

11. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions.

13. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Michigan final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective October 30, 1986. 51 Fed. Reg. 36804 (October 16, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$121,275 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

#### **Factual Allegations and Alleged Violations**

16. Respondent is a "person" as defined by the Michigan Administrative Code (Mich. Admin. Code) Rule 299.9106(i), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is the "owner" or "operator," as those terms are defined under Mich. Admin. Code R. 299.9106(f) and (g) and 40 C.F.R. § 260.10, of a facility located at 636 East 40<sup>th</sup> Street, Holland, Michigan (Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land used for treating, storing, or

disposing of hazardous waste.

19. Respondent's Facility is a "facility" as that term is defined under Mich. Admin. Code R. 299.9103(v) and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent used solvents and raw chemicals to manufacture consumer and industrial solvent and water-based aerosol products at the Facility.

21. At all times relevant to this CAFO, while manufacturing aerosol products at the Facility, Respondent generated waste in the form of aerosol cans, which were then stored in containers in a 90-day hazardous waste storage area and satellite accumulation area. Respondent characterized its aerosol can waste as hazardous waste codes D001, D035, D039, and D040.

22. At all times relevant to this CAFO, while manufacturing aerosol products at the Facility, Respondent generated flammable liquid waste, which was then stored in containers in the 90-day hazardous waste storage area, the satellite accumulation area, and a mezzanine area (which was not managed as a 90-day hazardous waste storage area), as well as in Tank 9, before being pumped into hazardous waste Tank 28. Respondent characterized its flammable liquid waste as hazardous waste codes D001, D005, D035, and F005.

23. At all times relevant to this CAFO, Respondent's aerosol waste cans and flammable liquid waste were "hazardous waste" as that term is defined under Mich. Admin. Code R. 299.9203 and 40 C.F.R. § 261.3, and "solid waste" as that term is defined under Mich. Admin. Code R. 299.9202 and 40 C.F.R. § 261.2.

24. At all times relevant to this CAFO, Respondent held hazardous waste in the form of aerosol waste cans and flammable liquids for temporary periods in containers and tanks before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

25. Respondent stored, transported, disposed of, or otherwise handled its aerosol waste cans and flammable liquid waste in “containers” and “tanks” as those terms are defined under the Mich. Admin. Code R. 299.9102(u), Mich. Admin. Code R. 299.9108(a), and 40 C.F.R. § 260.10.

26. At all times relevant to this CAFO, Respondent’s holding of aerosol waste cans and flammable liquid waste in “containers” and “tanks” constituted hazardous waste “storage,” as that term is defined under Mich. Admin. Code R. 299.9107(ii) and 40 C.F.R. § 260.10.

27. Respondent is a “generator,” as that term is defined in Mich. Admin. Code R. 299.9104(a) and 40 C.F.R. § 260.10.

28. The Facility was generating and managing hazardous waste on or before November 19, 1980.

29. At all times relevant to this CAFO, the State of Michigan had not issued a license to Respondent to treat, store, or dispose of hazardous waste at its Facility, and Respondent had not applied for such a license.

30. At all times relevant to this CAFO, Respondent did not have “interim status” to treat, store, or dispose of hazardous waste at its Facility. “Interim status” refers to provisions in RCRA that allow certain facilities to operate as if they had been issued a RCRA license until final administrative action is taken on their license applications.

31. On or about August 18, 1980, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the Facility, which indicated that Respondent is a Large Quantity Generator.

32. At all times relevant to this CAFO, the Facility generated during each calendar month more than 1000 kilograms (kg) of hazardous waste.

33. From June 21, 2023 to June 23, 2022, U.S. EPA conducted a RCRA compliance inspection of the Facility (the Inspection).

34. On March 3, 2023, U.S. EPA issued a Notice of Potential Violation and Opportunity to Confer to Respondent alleging certain violations of RCRA discovered during the inspection.

35. On April 6, 2023, Respondent submitted to U.S. EPA a written response to the Notice of Potential Violation and Opportunity to Confer.

**Count 1: Storage of Hazardous Waste Without a License or Interim Status**

36. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in this paragraph.

37. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a RCRA license is prohibited.

38. Pursuant to Mich. Admin. Code R. 299.9307, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a license or interim status, provided that the generator complies with all applicable conditions set forth in Mich. Admin. Code R. 299.9307, including, but not limited to, requirements for owners and operators in Mich. Admin. Code R. 299.9106(f) and (g).

39. If a generator does not comply with all applicable conditions set forth in Mich. Admin. Code R. 299.9307 while storing hazardous waste on-site for 90 days or less, the generator is considered an operator of a storage facility and is subject to the requirements of Mich. Admin. Code R. 299.9601 through R. 299.9640 and the license requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510.

40. If a generator accumulates hazardous waste for more than 90 days, the generator is similarly considered an operator of a storage facility and is subject to the requirements of Mich. Admin. Code R. 299.9601 through R. 299.9640 and the license requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510, unless the generator has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a license or interim status.

41. At all times relevant to this CAFO, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

42. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, under Mich. Admin. Code R. 299.9307, the generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation began.

43. At the time of the inspection, Respondent failed to clearly mark a pallet of boxes containing aerosol cans and four 55-gallon drums of damaged aerosol cans stored in the main 90-day storage area, and three 55-gallon drums of flush waste stored in the mezzanine area, all of which are hazardous waste, with accumulation start dates.

44. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, under Mich. Admin. Code R. 299.9307, the generator must demonstrate that tanks accumulating hazardous waste have been emptied within 90 days.

45. At the time of the inspection, "flush," a form of hazardous waste, was being transferred from lines 9 and 10 to Tank 9. Respondent failed to demonstrate that Tank 9 was being emptied at least every 90 days or otherwise show that Tank 9 was being used as processing

tank at the time of the inspection.

46. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, under Mich. Admin. Code R. 299.9307, the generator must label or mark each container holding hazardous waste with the words "Hazardous Waste."

47. At the time of the inspection, Respondent failed to mark or label seventeen 55-gallon drums of hazardous flush waste located in the mezzanine area and four 55-gallon drums of hazardous flush waste near the mezzanine area with the words "Hazardous Waste."

48. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, under Mich. Admin. Code R. 299.9307, the generator must keep containers holding hazardous waste closed unless wastes are being added or removed from the containers.

49. At the time of the inspection, a 55-gallon container of "scrap" hazardous waste in the mezzanine area was open, even though no wastes were being added or removed from the container.

50. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating license or interim status, under Mich. Admin. Code R. 299.9307, the generator must conduct weekly inspections of areas where hazardous waste containers are stored.

51. At the time of the inspection, Respondent was not conducting weekly inspections of the mezzanine area where 55-gallon drums of hazardous waste were being stored before being transferred to hazardous waste Tank 28.



52. Accordingly, Respondent failed to satisfy the conditions for maintaining its exemption from the requirement that it have an operating license or interim status.

53. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by Mich. Admin. Code R. 299.9307, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

54. Respondent's storage of hazardous waste as a TSDF without a license or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Mich. Admin. Code R. 299.9502, 299.9508, and 299.9510, and 40 C.F.R. §§ 270.1(c), 270.10(a) and (d), and 270.13.

**Count 2: Failure to Comply with 40 CFR Part 264 Subparts J and 40 CFR Part 265 Subpart CC Tank Regulations**

55. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in this paragraph.

56. Respondent is an operator of a TSDF.

57. As an operator of TSDF, Respondent is subject to the requirements of Mich. Admin. Code R. 299.9601(1)-(3) and 299.9615, 40 C.F.R. Part 264 Subpart J, and 40 C.F.R. Part 265 Subpart CC.

58. Mich. Admin. Code R. 299.9601(1)-(3) and 299.9615, 40 C.F.R. Part 264 Subpart J, and 40 C.F.R. Part 265 Subpart CC require that the owner or operator of a TSDF storing hazardous waste in tank systems comply with all applicable requirements of 40 C.F.R. Part 264 Subpart J and Part 265 Subpart CC.

59. Under 40 C.F.R. Part 264 Subpart J, 40 C.F.R. § 264.192, for each tank system storing hazardous waste installed after July 14, 1986, the owner or operator of a TSDF must obtain an assessment from a certified qualified Professional Engineer that includes the design

standards according to which the tank and ancillary equipment will be constructed and attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. An independent installation inspector or qualified Professional Engineer must also inspect the tank before it is placed in use. The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise installation of the tank system.

60. Under 40 C.F.R Part 264 Subpart J, 40 C.F.R. § 264.195, the owner or operator of a TSDF must conduct and document inspections of above-ground portions of the tank system once each operating day, unless the owner or operator either uses a leak detection equipment or implements workplace practice standards to ensure leaks are properly identified, in which case the owner or operator must conduct and document weekly inspections.

61. Under 40 C.F.R Part 265 Subpart CC, the owner or operator of a TSDF must control emissions from tanks storing hazardous waste in accordance with the standards in 40 C.F.R. § 265.1085, unless certain exceptions apply.

62. Under 40 C.F.R. § 265.1085(c), the owner or operator must control emissions from a tank by equipping the tank with a fixed roof that is designed to form a continuous barrier over the entire area of the hazardous waste tank and does not have any visible gaps, unless it demonstrates that alternative controls are allowed under 40 C.F.R. § 265.1085(d). The fixed roof of the tank must be installed with each closure device secured in the closed position, and must be inspected annually for defects that could result in air pollutant emissions.

63. For spring-loaded pressure-vacuum relief valves, conservation vents, or similar type of pressure relief device which vents into the atmosphere, the device must be designed to operate with no detectable emissions. 40 C.F.R. § 265.1085(c)(3)(ii).

64. At the time of the inspection, Respondent stored hazardous waste flush in Tank 9, and stored hazardous flammable liquids in Tank 28.

65. Tanks 9 and 28 are required to comply with 40 C.F.R Part 264 Subpart J and 40 C.F.R. Part 265 Subpart CC.

66. At the time of the inspection, Respondent failed to provide design and installation documentation for Tank 9 and records of inspections for Tanks 9 and 28, failed to operate Tank 9's fixed-roof closure devices with no visible gaps, and failed to operate the Tank 28 fixed-roof conservation vent/breather valve with no detectable organic emissions.

67. Respondent's failure to provide design and installation documentation for Tank 9, to provide inspection records for Tanks 9 and 28, to operate Tank 9's fixed-roof closure devices with no visible gaps, and to operate Tank 28's fixed-roof conservation vent/breather valve with no detectable emissions violated Mich. Admin. Code R. 299.9601(1)-(3), 299.9615, and 40 C.F.R. §§ 264.192, 264.195, 265.1085(c)(2)(iii)(A), (c)(3)(ii) and (c)(4).

### **Count 3: Failure to Maintain Facility**

68. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in this paragraph.

69. Mich. Admin. Code R. 299.9307(1)(c) and 40 C.F.R. § 262.251 require a large quantity generator to maintain and operate its facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

70. At the time of the inspection, Respondent failed to control hazardous waste organic emissions from the conservation vent on Tank 28, and from inflow lines of Tank 9.

71. The issues described above in Paragraph 70 caused potential for releases of hazardous waste constituents into the air which could threaten human health or the environment.

72. Respondent's failure to maintain and operate the Facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment violated Mich. Admin. Code R. 299.9307(1)(c) and 40 C.F.R. § 262.251.

#### **Civil Penalty**

73. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$112,500. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

74. Respondent agrees to pay a civil penalty in the amount of \$112,500 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

75. 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>.

76. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2025-0034,
- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Derrick Samaranski  
Land Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[Samaranski.derrick@epa.gov](mailto:Samaranski.derrick@epa.gov) and  
[R5LEcab@epa.gov](mailto:R5LEcab@epa.gov)

Christopher Grubb  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[Grubb.Christopher@epa.gov](mailto:Grubb.Christopher@epa.gov)

U.S. Environmental Protection  
Agency Cincinnati Finance Center  
Via electronic mail to:  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

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

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived.

If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS large corporate underpayment rate, as any lower rate would fail to provide Respondent adequate incentive for timely payment.

- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

78. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

79. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

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

81. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA

reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at [wise.milton@epa.gov](mailto:wise.milton@epa.gov), within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.



### **General Provisions**

82. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Grubb.Christopher@epa.gov (for Complainant), and sam.r.skubak@sherwin.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

83. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

84. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

85. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or licenses.

86. Respondent certifies that it is complying fully with regulatory citations subject to this CAFO.

87. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

88. The terms of this CAFO bind Respondent, its successors, and assigns.

89. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

90. Each party agrees to bear its own costs and attorney's fees in this action.

91. This CAFO constitutes the entire agreement between the parties.

**Sherwin-Williams Company, Respondent**

Date \_\_\_\_\_

**Warren M. Shunk**  
Area Manager of Operations  
Sherwin-Williams Company

**United States Environmental Protection Agency, Complainant**

Date \_\_\_\_\_

**Carolyn Persoon**  
Acting Division Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**In the Matter of:**  
**Sherwin-Williams Company**  
**Docket No. RCRA-05-2025-0034**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

---

Date

---

Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5