

- d. 40 C.F.R § 262.16(b)(5)(i)(B) requires that a generator labels containers of hazardous waste with an indication of the nature of the hazard. At the time of the EPA inspection, two containers of hazardous waste paint and waste solvent were not labeled with indications of the nature of the hazard.
 - e. 40 C.F.R § 262.16(b)(i)(C) requires that a generator marks accumulating containers of hazardous waste with an accumulation start date. At the time of the EPA inspection, two containers of hazardous waste paint and waste solvent were not marked with accumulation start dates.
 - f. 40 C.F.R § 262.16(b)(8)(vi)(A)(2) requires that a generator makes arrangements with local emergency authorities. It was determined during the EPA inspection that the facility had not previously made arrangements with local emergency authorities.
 - g. 40 C.F.R § 262.16(b)(8)(vi)(A)(2) requires that a generator familiarizes coordinating agencies with facility layout, waste types, access points, evacuation routes, and likely casualty types. It was determined during the EPA inspection that the facility had not familiarized coordinating agencies with the facility.
 - h. 40 C.F.R § 262.16(b)(8)(vi)(B) requires that a generator maintain records documenting arrangements with response agencies. It was determined during the EPA inspection that the facility had not documented relevant arrangements with response agencies.
- 4) In determining the amount of the penalty to be assessed, EPA has taken into account the factors specified in Section 3008 of RCRA, 42 U.S.C. § 6928. After considering these factors, EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of ten thousand dollars (\$10,000.00) is in the public interest.
- 5) Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

- 6) A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Milady Peters, Paralegal
peters.milady@epa.gov.

- 7) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) consents to electronic service of the filed ESA to the following email address: SW3527@sherwin.com. Respondent understands that the ESA will become publicly available upon filing.
- 8) By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including, but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Expedited Settlement Agreement.
- 9) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.
- 10) The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Expedited Settlement Agreement and to execute and legally bind Respondent to it.
- 11) Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of RCRA or any other applicable law.
- 12) The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.
- 13) Each party shall bear its own costs and fees, if any.
- 14) This Agreement is binding on the parties signing below.

In the Matter of Sherwin-Williams Branch 3527
Docket No. RCRA-07-2024-0149

IT IS SO AGREED,

Michelle Gudenberger
 Name (print)

Store Manager
 Title (print)

Michelle Gudenberger
 Signature

12/6/24
 Date



APPROVED BY EPA:

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Christopher Muehlberger, Attorney
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
To be completed by EPA

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order, in the matter of Sherwin-Williams Branch 3527, EPA Docket No. RCRA-07-2024-0149, was sent this day in the following manner to the following addressees:

Copy via e-mail to Complainant:

Christopher Muehlberger, Office of Regional Counsel
Muehlberger.christopher@epa.gov

Koba Butkovich, Enforcement and Compliance Assurance Division
Butkovich.koba@epa.gov

Milady Peters, Office of Regional Counsel
peters.milady@epa.gov

Copy via e-mail to Respondent:

Sherwin-Williams Branch 3527
Attn: Barry Haasl
3501 J Street SW
Cedar Rapids, Iowa 52404
SW3527@sherwin.com

Sherwin Williams Company – Paint Stores Group
Joan.m.schrum@sherwin.com

Copy via e-mail to the State of Iowa:

Ed Tormey, Administrator (*ed.tormey@dnr.iowa.gov*)
Environmental Services Division
Iowa Department of Natural Resources

Mike Sullivan, Section Supervisor (*michael.sullivan@dnr.iowa.gov*)
Solid Waste and Contaminated Sites Section
Iowa Department of Natural Resources

Dated this _____ day of _____, _____.

Signed