



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
February 17, 2022

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Brandon Kruse
Chief Executive Officer
Scott's Industrial Coatings LLC
4325 State Highway 29
Green Bay, Wisconsin 54311
brandon@scott्सindustrialcoatings.com

Re: Expedited Settlement Agreement and Final Order
Facility Name: Scott's Industrial Coatings LLC
EPA Identification No.: WIR000122986
Docket No: **RCRA-05-2022-0006**

Dear Mr. Kruse:

Attached, please find a signed, fully executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. The ESA was filed on February 17, 2022, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$5,000 in the manner prescribed in paragraphs 10-15 of the ESA, and reference all checks with the docket number RCRA-05-2022-0006. Your payment is due within 30 calendar days of the effective date of the ESA. Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Derrick Samaranski, of my staff, at samaranski.derrick@epa.gov or 312-886-7812.

Sincerely,

Julie Morris
Digitally signed by Julie
Morris
Date: 2022.01.27
07:23:49 -06'00'

Julie Morris, Manager
Land Enforcement & Compliance Assurance Branch

Attachment

cc: Michael Ellenbecker, WDNR, Michael.Ellenbecker@wisconsin.gov

Andrea Keller, WDNR, Andrea.Keller@wisconsin.gov
Shaun Deeney, WDNR, Shaun.Deeney@wisconsin.gov

In the matter of: Scott's Industrial Coatings LLC
Docket Number: _____

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on _____, this day in the following manner to the addressees:

Copy by email to Respondent's Representative:
(Delivery Receipt Requested)

Brandon Kruse
Chief Executive Officer
Scott's Industrial Coatings LLC
4325 State Highway 29
Green Bay, Wisconsin 54311
brandon@scottsisindustrialcoatings.com

Copy by email to Attorney for Complainant:

Kris Vezner
vezner.kris@epa.gov

Copy by email to Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 5

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. **RCRA-05-2022-0006**
)
)
Scott's Industrial Coatings)
EPA ID. No. WIR000122986) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
Respondent.) **FINAL ORDER**
)
)
_____)

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Scott’s Industrial Coatings (“Respondent”), owner or operator of the facility at 4325 State Highway 29, Green Bay, Wisconsin (the “Facility”), is subject to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* (“RCRA”), EPA’s regulations implementing RCRA (40 C.F.R. parts 260-279), and the EPA approved and authorized Wisconsin hazardous waste management program for Large Quantity Generators (Admin. Code §§ NR 660 through NR 699)².
2. Under Wis. Admin. Code §§ NR 662 and NR 665, Respondent may avoid the need for a hazardous waste license or interim license by meeting certain license exemption requirements including, but not limited to, labeling each accumulation container holding hazardous waste with the words “Hazardous Waste” and the accumulation start date; and accumulating hazardous waste on-site for 90 days or less.
3. EPA alleges that at the time of EPA’s May 29, 2019, inspection of the Facility, Respondent failed to meet the following license exemption requirements set forth at Wis. Admin. Code §§ NR 662.034(1)-(3) and NR 665: labeling three containers holding hazardous waste with the words “Hazardous Waste”; marking them with accumulation start dates; and storing containers of hazardous spent shot blast for 90 days or less. By failing to comply with the requirements for a license exemption, above, Respondent became an operator of a hazardous waste storage facility and was required to obtain a Wisconsin hazardous waste storage license. Respondent failed to apply for such a license, violating the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32.
4. EPA also alleges that at the time of its May 29, 2019, inspection, Respondent failed to meet the used oil generator requirements set forth at Wis. Admin. Code §§ NR 679, by not labeling or marking clearly containers used to store used oil with the words “Used

² We note that effective September 1, 2020, the State of Wisconsin promulgated revised regulations which have not yet been authorized by EPA. EPA authorized the 2006 edition of Wisconsin’s hazardous waste regulations which contained a provision at Wis. Admin. Code § 662.034 (2006) that remains the RCRA authorized Large Quantity Generator provision in Wisconsin.

Oil” in accordance with Wis. Admin. Code § NR 679.22(3)(a).

5. EPA also alleges that at the time of its May 29, 2019, inspection, Respondent failed to meet the contingency plan requirements set forth at Wis. Admin. Code § NR 665, by not including in the Facility’s contingency plan a description of emergency arrangements agreed to by local emergency authorities; a list of emergency equipment; and an evacuation plan, all in accordance with Wis. Admin. Code § NR 665.0052(3), (5)-(6).
6. EPA and Respondent agree that settlement of this matter for a penalty of five thousand dollars (\$5,000) is in the public interest.
7. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).
8. In signing this Agreement, Respondent: (1) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein; (3) consents to the assessment of this penalty; and (4) waives any right to contest the allegations contained herein.
9. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent will pay the civil penalty in accordance with this Agreement.
10. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$5,000 for the RCRA violations identified in this Agreement. There are four options for Respondent paying this civil penalty:

a. By sending a cashier’s or certified check, payable to “Treasurer, United States of America” to:

- i. For checks sent by regular U.S. Postal Service mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

- ii. For checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The face of the check must state the case title (“*In the Matter of: Scott’s Industrial Coatings*”) and the docket number of this Agreement.

- b. Or by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
“D68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state “*In the Matter of: Scott’s Industrial Coatings*” and the docket number of this Agreement.

- c. Or by ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

- d. Or by paying online and following the instructions found here:

WWW.PAY.GOV

Use the Search Public Forms option and enter ‘sfo 1.1’ in the search field.
Open form and complete required fields.

- 11. When it pays the penalty, Respondent must send a notice of payment stating Respondent’s name, complete address, and the case docket number (along with a photocopy of the check, if applicable) to EPA at the following addresses:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Derrick Samaranski
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
samaranski.derrick@epa.gov and
r5lecab@epa.gov

Kris Vezner
Office of Regional Counsel
U.S. EPA, Region 5
vezner.kris@epa.gov

12. The civil penalty is not deductible for federal tax purposes.
13. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
15. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
16. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
17. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
18. Each party shall bear its own costs and fees, if any.
19. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.
20. The parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: Vezner.Kris@epa.gov (for Complainant), and brandon@scottsisindustrialcoatings.com (for Respondent).

IT IS SO AGREED,

Name (print): Brandon Kruse

Title (print): CEO

Signature: 

Date 1-10-2022

APPROVED BY EPA:

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2022.01.28
08:55:16 -06'00'

Date _____

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Scott's Industrial Coatings
Docket Number: RCRA-05-2022-0006

FINAL ORDER

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

IT IS SO ORDERED:

Date

ANN COYLE Digitally signed by ANN
COYLE
Date: 2022.02.14
14:46:58 -06'00'

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