

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	Docket No. RCRA-05-2024-0001
)	
)	
PPG Inc. Architectural Coatings)	EXPEDITED SETTLEMENT
2570 Orchard Gateway Boulevard)	AGREEMENT AND
Aurora, Illinois)	FINAL ORDER
EPA ID. No. ILR000192476)	
)	
Respondent)	
)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and PPG Inc. Architectural Coatings (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$2,500.
2. EPA inspected Respondent on February 23, 2023. Complainant has determined Respondent violated the following sections of RCRA, 42 U.S.C. §§ 6901-6939, and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35 Part 720 *et seq.*, at Respondent’s facility located at 2570 Orchard Gateway Boulevard, Aurora, Illinois (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121, prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(a). At the time of the inspection, four containers of ignitable hazardous waste in the hazardous waste storage area were marked with accumulation start dates greater than 90 days prior to the date of the inspection. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a), because it failed to comply with the condition for an exemption as described above.

- b. Under Ill. Admin. Code tit. 35 § 739.122(c)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” On February 23, 2023, one container of used oil was not labeled or marked with the words, “Used Oil.” Respondent’s failure to label or mark used oil container with the words “Used Oil” violated Ill. Admin. Code tit. 35 § 739.122(c)(1).
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of two thousand and five hundred dollars (\$2,500) is in the public interest.
 4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
 5. EPA provided notice of commencement of this action to the state of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
 7. 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 has paid the civil penalty in accordance with paragraph 9.
 8. Respondent shall pay a civil penalty of two thousand and five hundred dollars (\$2,500) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of civil penalty may be made online at www.pay.gov. To pay online at www.pay.gov use the Search Public Forms option and enter ‘sfo 1.1’ in the search field then open form and complete required fields. If Respondent is unable to pay the penalty online at www.pay.gov, contact Todd Brown at brown.todd@epa.gov to make alternative arrangements.
 9. Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number to EPA at the following addresses, when it pays the penalty:

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

Todd Brown
Inspector
U.S. Environmental Protection Agency, Region 5
brown.todd@epa.gov
r5lecab@epa.gov

Kevin Chow
Office of Regional Counsel
U.S. EPA, Region 5
chow.kevin@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. 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.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: chow.kevin@epa.gov (for Complainant), and rsepka@ppg.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Richard Sepka
Name (print)

Sr. Distribution Manager
Title (print)


Signature

10/9/23
Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement Compliance and Assurance Division

In the Matter of:

PPG Inc. Architectural Coatings

Docket Number: RCRA-05-2024-0001

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:

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