



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

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Aimee Provost
Environmental Health and Safety Manager
Sherwin Williams Company
21901 South Central Avenue
Matteson, Illinois 60443-2801
aimee.m.provost@sherwin.com

Re: Warning Letter: Notice of Potential Violation
Sherwin Williams Company
Facility ID: ILD113090336
Matteson, Illinois

Dear Aimee Provost:

On May 5, 2022, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Sherwin Williams Company ("Sherwin Williams or you") located in Matteson, Illinois. The purpose of the inspection was to evaluate Sherwin Williams's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. We have enclosed a copy of the inspection report for your convenience.

Information currently available to EPA suggests that Sherwin Williams may be in violation of RCRA. By this letter, EPA is extending to you an opportunity to advise the Agency, in person or in writing, of any further information EPA should consider with respect to the potential violation.

We request that you voluntarily submit a response in writing to us no later than 30 calendar days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to address the potential violation identified below or demonstrating why the violation has not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the potential violation identified in this letter assuming Sherwin Williams demonstrates full compliance. EPA, however, reserves its rights to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

Storage of Hazardous Waste without a Permit or Interim Status Which Potentially Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed Sherwin Williams failure to comply with the RCRA permit exemption condition, below. When a hazardous waste generator fails to comply with the conditions for a permit exemption, the generator becomes an operator of a hazardous waste storage facility without a permit in violation of Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying potential noncompliance or preventing future violations, EPA recommends that Sherwin Williams comply with the conditions below instead of applying for a hazardous waste storage permit.

Satellite Accumulation

Under Ill. Admin. Code tit. 35 § 722.134(c)(1), a generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste listed in § 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section.

At the time of the inspection, up to five 55-gallon containers were being stored in one satellite accumulation area location, not necessarily at or near the control of an operator, and greater than 55 gallons in total. Please see photos 5 through 8 of the enclosed inspection report.

Actions Requested

In order to ensure compliance, by no later than 30 calendar days from the date of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified potential violations or demonstrating why the violation has not occurred.

Please send all reports requested by this letter by electronic mail to:

r5lecab@epa.gov

and

paulin.jamie@epa.gov

The subject line of all email correspondence must include ILD113090336. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response

to these email addresses due to email size restrictions or other problems, contact Jamie Paulin to make additional arrangements for transmission of the response.

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

The EPA contact in this matter is Jamie Paulin. You may contact her at (312) 886-1771 or at paulin.jamie@epa.gov if you have additional questions. Thank you for your prompt attention to these concerns and your efforts to protect human health and the environment.

Sincerely,

MICHAEL
HARRIS

Digitally signed by
MICHAEL HARRIS
Date: 2023.02.16
15:23:39 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Mr. Paul Eisenbrandt, IEPA (paul.eisenbrandt@illinois.gov)
Mr. James M. Jennings, IEPA, (james.m.jennings@illinois.gov)