



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Gerhard Scherer
Director of Business Development and Interim Site Manager
Sheboygan Paint Company
608 Canal Street
Cedartown, Georgia 30125
gscherer@shebpaint.com

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Sheboygan Paint Company, EPA ID: GAD118273945

Dear Gerhard Scherer:

On May 31, 2023, the U.S. Environmental Protection Agency, along with the Georgia Environmental Protection Division (GAEPD) conducted a RCRA CEI at Sheboygan Paint Company located in Cedartown, Georgia to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CEI was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the Georgia Hazardous Waste Management Act, Ga. Code Ann. § 12-8-60 et seq., [Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)], and the regulations promulgated pursuant thereto, found at Georgia Hazardous Waste Management Rules, Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 (2016 and 2018), [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279] based on potential violations observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response within fourteen (14) days following receipt of this letter describing any actions that Sheboygan Paint Company has taken and/or intends to take related to the observations and potential violations documented in the RCRA CEI Report. Your response should be emailed to:

Kayla Acosta
Acosta.Kayla@epa.gov
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Information currently available to the EPA suggests that Sheboygan Paint Company may be in violation of, or have committed violations of, RCRA. By this letter, the EPA is extending to you an opportunity to advise the Agency, via a conference call, of any further information the EPA should consider with respect to the potential violations. Sheboygan Paint Company may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed potential violations.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, Sheboygan Paint Company has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on Sheboygan Paint Company ability to pay a penalty. Prior to the meeting, Sheboygan Paint Company may review the following documents:

- **RCRA Civil Penalty Policy** found at: <https://www.epa.gov/sites/default/files/2020-05/documents/june2003rcracivilpenaltypolicyamended050620.pdf>
- **Amendments to EPA's Civil Penalty Policies to Account for Inflation:** https://www.epa.gov/system/files/documents/2022-01/2022amendmentstopenaltypoliciesforinflation_0.pdf, and
- **Inflation Adjustments** found at: <https://www.govinfo.gov/content/pkg/FR-2022-01-12/pdf/2022-00349.pdf>

Please be advised that any information provided by Sheboygan Paint Company at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements or representations may subject Sheboygan Paint Company to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If Sheboygan Paint Company chooses to accept this offer to meet with the EPA, the facility should contact Kayla Acosta **within fourteen (14) days** following receipt of this letter to schedule a conference call. Kayla Acosta can be reached at (404) 562-8451 or by email at Acosta.Kayla@epa.gov. If you decide not to accept this offer to meet to discuss the observed potential violations, the EPA may proceed with enforcement action against Sheboygan Paint Company as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

If Sheboygan Paint Company is a Small Business or a Small Community, you can find compliance and enforcement resources specifically designed to meet your needs at: <http://www2.epa.gov/enforcement/small-businesses-and-enforcement>. In that webpage you can find information about the Small Business Regulatory Enforcement Fairness Act (SBREFA) that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes, and seeing that there is no unfair treatment relating to the regulatory enforcement process.

Please feel free to contact Kayla Acosta if you have any technical questions regarding the observations and findings from the inspection performed at Sheboygan Paint Company's facility.

Sincerely,

KIMBERLY Digitally signed by
BINGHAM KIMBERLY BINGHAM
Date: 2023.08.02
14:46:21 -04'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Chuck Mueller, GAEPD (Chuck.Mueller@dnr.ga.gov)
Holly Nelson, GAEPD (Holly.Nelson1@dnr.ga.gov)
Andrew Matuza, GAEPD (Andrew.Matuza@dnr.ga.gov)
Mark Anthony Relon, USEPA (Relon.MarkAnthony@epa.gov)