

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. CAA-05-2024-0056
)	
The Sherwin-Williams Co.,)	Proceeding to Assess a Civil Penalty
Holland, Michigan)	Under Section 113(d) of the Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	
_____)	

Consent Agreement and Final OrderPreliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is The Sherwin-Williams Co. (Sherwin-Williams), an Ohio corporation doing business in Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of review under Section 113(d)(4) of the Act, 42 U.S.C. § 7413(d)(4), and under 40 C.F.R. § 22.15(c), its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06, any right to contest the allegations in this CAFO, and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

Statutory and Regulatory Background

9. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$55,808 per day of violation up to a total of \$ 446,456 for violations that occurred after November 2, 2015, where penalties are assessed on or after December 23, 2020. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

10. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

11. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Clean Air Act, Section 112(r)

12. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.

13. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.

14. Section 112(r)(7)(A) of the Act, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.

15. Section 112(r)(7)(B)(i) of the Act, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and

detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

16. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

17. Pursuant to Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.

40 C.F.R. Part 68: Chemical Accident Prevention Provisions

18. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which is codified at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions (CAPP). The Administrator promulgated the most recent amendment to the CAPP on December 19, 2019. 84 Fed. Reg. 69834.

19. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

a. Applicability

20. 40 C.F.R. § 68.10(a) provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.

21. 40 C.F.R. § 68.3 defines “stationary source” as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under the common control), and from which an accidental release may occur.

22. 40 C.F.R. § 68.3 provides that “process” means “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities.” For purposes of this definition, a single process includes “any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release . . .” A “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.”

23. 40 C.F.R. § 68.3 provides that a “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under [40 C.F.R.] § 68.115.”

24. 40 C.F.R. § 68.3 provides that a “regulated substance” is “any substance listed pursuant to Section 112(r)(3) of the Act as amended, in [40 C.F.R.] §68.130.”

25. 40 C.F.R. § 68.3 provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the Act at 40 C.F.R. § 68.130.

26. Table 3 at 40 C.F.R. § 68.130(a) lists Isobutane (CAS#75-28-5), Butane (CAS#106-97-8), Methyl ether (CAS#115-10-6), and Propane (CAS#74-98-6) as regulated flammable substances with a threshold quantity of 10,000 pounds each, respectively.

27. 40 C.F.R. § 68.10(i) of the CAPP provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.

28. 40 C.F.R. §§ 68.12(a) and (d) identify CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 shall meet, which include, among other provisions, requirements regarding management systems, hazard assessments, prevention requirements, response actions, emergency response programs, and the submittal of a single RMP.

b. Process safety information

29. 40 C.F.R. § 68.65(a) provides that the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information before conducting any process hazard analysis required by the rule. The compilation of written process safety information is to enable the owner or operator and the employees involved in operating the process to identify and understand the hazards posed by

those processes involving regulated substances. This process safety information shall include information pertaining to the hazards of the regulated substances used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.

30. 40 C.F.R. § 68.65(d)(1) states that the information pertaining to the equipment in the process shall include: (i) materials of construction; (ii) piping and instrument diagrams (P&ID's); (iii) electrical classification; (iv) relief system design and design basis; (v) ventilation system design; (vi) design codes and standards employed; (vii) materials and energy balances for processes; and (viii) safety systems.

31. 40 C.F.R. § 68.65(d)(2) states that the owner or operator shall document that the equipment complies with recognized and generally accepted good engineering practices. This includes the general ventilation requirements of National Fire Protection Association (NFPA) Section 30B – Code for Manufacturer and Storage of Aerosol Products.

c. Operating procedures

32. 40 C.F.R. § 68.69(a) provides that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information.

33. 40 C.F.R. § 68.69(c) provides that the owner or operator shall certify annually that these operating procedures are current and accurate.

d. Mechanical integrity

34. 40 C.F.R. § 68.73(b) provides that the owner or operator of a stationary source with a process subject to Program 3 shall establish and implement written procedures to maintain the on-going integrity of process equipment, as identified at 40 C.F.R. § 68.73(a).

35. 40 C.F.R. § 68.73(d)(3) provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

36. 40 C.F.R. § 68.73(e) provides that the owner or operator correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in 40 C.F.R. § 68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

e. Compliance audits

37. 40 C.F.R. § 68.79(a) provides that the owner or operator of a stationary source with a process subject to Program 3 shall certify that it has evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed.

38. 40 C.F.R. § 68.79(d) provides that the owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

f. Incident investigations

39. 40 C.F.R § 68.81(a) provides that the owner or operator shall investigate each incident which resulted in, or could reasonable have resulted in a catastrophic release of a regulated substance.

40. 40 C.F.R. § 68.81(d) states that a report shall be prepared at the conclusion of the investigation which includes at a minimum: (1) Date of incident; (2) Date Investigation Began; (3) A description of the incident; (4) The factors that contributed to the incident; and (5) Any recommendations resulting from the investigations.

Factual Allegations and Alleged Violations

a. Applicability

41. The Sherwin-Williams Co., or one of its subsidiaries, owns and operates a single-site aerosol can manufacturing facility at 636 East 40th Street, Holland, Michigan (the Facility).,

42. Sherwin-Williams used, stored, and handled Isobutane (CAS# 85-28-5), a regulated substance, at the Facility in amounts over the threshold quantity for Isobutane of 10,000 lbs.

43. Sherwin-Williams used, stored, and handled Butane (CAS# 106-97-8), a regulated substance, at the Facility in amounts over the threshold quantity for Butane of 10,000 lbs.

44. Sherwin-Williams used, stored, and handled Methyl ether (CAS# 115-10-6), a regulated substance, at the Facility in amounts over the threshold quantity for Methyl ether of 10,000 lbs.

45. Sherwin-Williams used, stored, and handled Propane (CAS#74-98-6), a regulated substance, at the Facility in amounts over the threshold quantity for Propane of 10,000 lbs.

46. Sherwin-Williams's use, storage, and handling of the Isobutane, Butane, Methly ether, and Propane at the Facility constitutes a "process," as that term is defined at 40 C.F.R. § 68.3.

47. Sherwin-Williams is a "person," as that term is defined at Section 302(e) of the Act, 42 U.S.C. §7602(e).

48. The Facility is a "stationary source," as that term is defined at 40 C.F.R. § 68.3.

49. Sherwin-Williams is subject to the requirements of the CAPP in accordance with 40 C.F.R. § 68.10(a) and the requirements of Program 3 in accordance with 40 C.F.R. §68.10(i).

50. Sherwin-Williams' Facility contains Line 1 Propellant Gas House, Line 6 Propellant Gas House, Line 9 Propellant Gas House, Line 10 Propellant Gas House, and a Tank Farm containing Propellant Tanks P-09, P-10, P-11, P-12, P-13, P-14, P-15, P-16, P-17, P-18, P-19, P-20, P-21, P-22, P-23, P-24, and P-25.

51. On February 19, 2020, authorized representatives of EPA conducted a compliance inspection at the Facility to determine compliance with the RMP regulations.

52. Sherwin-Williams provided EPA with requested documents prior to and during the February 19, 2020 inspection. These documents were related to various aspects of its RMP, including, but not limited to, process safety information, process hazard analysis, operating procedures, mechanical integrity, management of change, compliance audits, pre-startup review, and employee participation.

53. On September 29, 2021, EPA issued a Finding of Violation to Sherwin-Williams.

54. On November 11, 2021, December 22, 2021, May 25, 2022, December 7, 2022, January 6, 2023, April 26, 2023, September 11 and 12, 2023, Sherwin-Williams submitted to EPA documentation of actions taken by Sherwin-Williams to address the alleged violations in the September 29, 2021, Finding of Violation.

b. Process safety information

55. Sherwin-Williams did not complete a compilation of written process safety information regarding the material of construction for the solvent tanks.

56. Sherwin-Williams did not document the relief system design and design basis for the solvent tanks.

57. Sherwin-Williams did not document the ventilation system design for the Gas Houses 9 and 10.

58. Sherwin-Williams discovered while assessing the gashouse 9/10 ventilation design basis that gashouse 9/10 meets the general ventilation requirements of NFPA Section 30B. Specifically, 9/10 gashouse meets the required air changes per hour for general ventilation and the emergency ventilation system is automatically triggered at not more than 20% of the LEL with a designed flow rate >150% of the calculated air flow rate using the equation referenced in NFPA Section 30B. However, Sherwin-Williams is not able to confirm a minimum of two air changes per minute, as required for emergency ventilation under chapter 6 of NFPA Section 30B.

59. Sherwin-Williams's failure to document information pertaining to materials of construction for the solvent tanks, failure to document the relief system design and design

basis for the solvent tanks, and failure to keep the ventilation system design basis for Propellant Gas Houses 9 and 10 are violations of 40 C.F.R. § 68.65(d)(1).

60. Sherwin-Williams's failure to document that Gashouses 9/10 emergency ventilation system complies with the recognized and generally accepted good engineering practices as under NFPA Section 30B is a violation of 40 C.F.R. § 68.65(d)(2).

c. Operating procedures

61. Sherwin-Williams's Propellant Truck Unloading Procedures (Procedures) at Section 1.6 state that the level of the tank must be no more than 85% of the tank fill capacity. Additional Procedures note that tanks will be filled at 85% but not to exceed over 90% capacity.

62. Sherwin-Williams's Procedures did not include the operating limits in the work instructions.

63. Sherwin-Williams's annual reviews of operating procedures were most recently documented as completed in 2016 or 2018, depending on the procedures.

64. EPA personnel observed that the Tank #21 was filled to 91.97% during the February 19, 2020 inspection.

65. Sherwin-Williams's failure to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information is a violation of 40 C.F.R. § 68.69(a).

66. Sherwin-Williams's failure to certify operating procedures are current and accurate annually is a violation of 40 C.F.R. § 68.69 (c).

d. Mechanical integrity

67. Sherwin-Williams performed an API 510 inspection for Tank P-10 in July 2014, and the report identified coating failure, lack of proper labeling, grounding issues, improper discharge vent piping, lack of U-1A data reports, and location issues. Sherwin-Williams was required to perform a five-year mechanical integrity inspection using an API 510 procedures on Tank P-10 by July 2019.

68. Sherwin-Williams did not perform an API 510 inspection for Tank P-10 in or around July 2019 to maintain its integrity.

69. Sherwin-Williams performed an API 510 inspection for Tank P-21 in August 2014, and the inspection report identified lack of proper labeling, non-availability of inspection/replacement schedules of Pressure Release Valves, improper sizing of the vent piping, and lack of U-1A data reports. Sherwin-Williams was required to perform an API 510 Inspection on Tank P-21 by August 2019.

70. Sherwin-Williams did not perform an API 510 inspection for Tank P-21 in or around August 2019 to maintain its integrity.

71. Sherwin-Williams's failure to establish and implement written procedures to maintain the ongoing integrity of process equipment (Tanks 10 and 21) is a violation of 40 C.F.R. § 68.73(b).

72. Sherwin-Williams's failure to perform inspections and tests on process equipment (Tanks 10 and 21) at a frequency consistent with applicable manufacturers' recommendations and good engineering practices, or more frequently, if necessary, is a violation of 40 C.F.R. § 68.73(d)(3).

73. Sherwin-Williams's failure to correct deficiencies on equipment (Tanks 10 and 21) in a safe and timely manner when necessary means were taken to assure safe operation is a violation of 40 C.F.R. § 68.73(e).

e. Compliance audits

74. Sherwin-Williams completed compliance audits in 2014, 2017, and September 2020. Sherwin Williams did not address findings in the 2014 audit until the 2017 compliance audit was completed. The 2017 compliance audit identified that P&IDs needed to be updated with a due date of October 31, 2020.

75. Sherwin-Williams's failure to promptly determine and document an appropriate response to each of the findings of the audit and document that deficiencies had been corrected is a violation of 40 C.F.R. § 68.79(d).

f. Incident investigation

76. A Sherwin-Williams employee was injured in or around July 2019. Sherwin-Williams completed an Incident Investigation Report form, dated July 11, 2019. The Incident Investigation Report form was missing the "Date Investigation Began."

77. Sherwin-Williams's failure to indicate the "Date Investigation Began" on the Incident Investigation Report is a violation of 40 C.F.R. § 68.81(d)(2).

g. Violations of the Clean Air Act

78. Pursuant to Section 112(r)(7)(E) of the Act, the above-described violations of the regulations and requirements of 40 C.F.R. Part 68 are violations of the Act.

79. In response to the Finding of Violation, Sherwin-Williams updated and upgraded components of its covered processes and elements of its RMP Program. Specifically, Sherwin-Williams completed the following activities:

- (a) Updated all site P & IDs to accurately reflect the as-built construction with sufficient information included on the drawings including: equipment numbers for valves, pumps, instruments, controls and interlocked equipment, pipe size, material of construction, and line number;
- (b) Calculated the new set pressures and validated whether the existing valves/nozzle sizes are satisfactory for safe operations per API2000 standards;
- (c) Revised Line 9 and 10 Gasser SOP Operating Limits;
- (d) Completed tanks coating;
- (e) Discharged vent Piping for Tank 10 and 21 upgraded based on pressure relief calculations;
- (f) Revised Mechanical Integrity Program of Pressure Vessels & Heat Exchanges showing revised 5 year visual inspection requirements;
- (g) Developed work plans for all contractors' activities and audit programs to ensure contractors' performance in accordance with the safe work plan; and
- (h) Trained all authorized hot work employees on an annual basis and implemented an inspection process for the designated hot work area.

Civil Penalty

80. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case and prompt return to compliance, Complainant has determined that an appropriate civil penalty to settle this action is \$154,000.

81. **Penalty Payment. Respondent agrees to:**

- a. Pay the civil penalty of \$154,000 within 30 days after the effective date of this CAFO.
- b. Pay the civil penalty using any method provided in the table below.

Payment Method	Payment Instructions
Automated Clearinghouse (ACH) payments made through the US Treasury	<p>US Treasury REX/Cashlink ACH Receiver ABA: 051036706 Account Number: 310006, Environmental Protection Agency CTX Format Transaction Code 22 – checking</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the CAFO docket number.</p>
Wire transfers made through Fedwire	<p>Federal Reserve Bank of New York ABA: 021030004 Account Number: 68010727 SWIFT address: FRNYUS33 33 Liberty Street New York, NY 10045 Beneficiary: US Environmental Protection Agency</p> <p>In the comment area of the electronic funds transfer, state Respondent’s name and the docket number of this CAFO.</p>
<p>Payments made through Pay.gov</p> <p>Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments.</p>	<ul style="list-style-type: none"> • Go to Pay.gov and enter “SFO 1.1” in the form search box on the top left side of the screen. • Open the form and follow the on-screen instructions. • Select your type of payment from the "Type of Payment" drop down menu. • Based on your selection, the corresponding line will open and no longer be shaded gray. Enter the CAFO docket number into the field
<p>Cashier’s or certified check payable to “Treasurer, United States of America.”</p> <p>Please notate the CAFO docket number on the check</p>	<p>For standard delivery:</p> <p>U.S. Environmental Protection Agency Fines and Penalties Cincinnati Finance Center P.O. Box 979078 St. Louis, Missouri 63197-9000</p> <p>For signed receipt confirmation (FedEx, UPS, Certified Mail, etc):</p> <p>U.S. Environmental Protection Agency Government Lockbox 979078 3180 Rider Trail S. Earth City, Missouri 63045</p>

c. Within 24 hours of the payment of the civil penalty, Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses:

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

Louise Gross
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Gross.louise@epa.gov

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

d. This civil penalty is not deductible for federal tax purposes.

e. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

f. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is

overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

42 U.S.C. § 7413(d)(5).

General Provisions

82. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: gross.louise@epa.gov (for Complainant), and Jason.perdion@sherwin.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

83. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

84. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

85. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws. Except as provided in paragraph 83, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

86. Respondent has signed an Administrative Consent Order to be issued under Section 113(a) of the Act, 42 U.S.C. § 7413(a), in which it has agreed to take specific actions in order to achieve and maintain compliance with Section 112(r) of the Act, 42 U.S.C. § 7412(r), and the implementing regulations at 40 C.F.R. Part 68.

87. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

88. The terms of this CAFO bind Respondent, its successors and assigns.

89. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

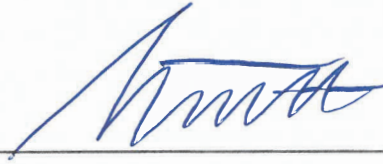
90. Each party agrees to bear its own costs and attorney’s fees in this action.

91. This CAFO constitutes the entire agreement between the parties.

The Sherwin-Williams Co., Respondent

09/17/2024

Date



Stephen J. Perisutti

SVP, Deputy General Counsel and Ass't Secretary
The Sherwin-Williams Co.

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2024.09.18
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Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: The Sherwin-Williams Co.
Docket No.

Final Order

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

Date

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5