

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

**FILED**  
**06 OCT 25 AM 10:51**  
REGIONAL HEARING CLERK  
EPA REGION 6

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In the Matter of	§	
	§	
The Sherwin-Williams Company	§	Docket No. CAA-06-2024-3329
Shiloh Road, Garland, TX Facility	§	
	§	
Respondent	§	

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**CONSENT AGREEMENT AND FINAL ORDER**

**A. PRELIMINARY STATEMENT**

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act, (the “CAA” or the “Act”), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 6 (“EPA”). On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

3. The Sherwin-Williams Company (“Sherwin-Williams” or “Respondent”) is a corporation doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the “CAFO” without the adjudication of any issues of law or fact herein.

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

**B. JURISDICTION**

6. This CAFO is entered into under Section 113(d) of the CAA, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113 (a)(3)(A) of the Act, 42 U.S.C. § 7413 (a)(3)(A).

7. EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than 12 months before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. On October 21, 2024, EPA issued to Respondent a Notice letter, providing notice to Respondent that EPA found Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with EPA. On December 16, 2024, representatives of Respondent and EPA conferred regarding the October 21, 2024, Notice letter.

9. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R.

§ 22.13(b).

**C. STATUTORY AND REGULATORY BACKGROUND**

**Clean Air Act, Section 112(r)**

10. The objective of Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), is to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance.

11. Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), requires the Administrator to promulgate, not later than 24 months after November 15, 1990, a list of regulated 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.

12. 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. Pursuant to Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d), whenever the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r), the Administrator may issue an administrative order and a civil administrative penalty.

The Administrator may assess a civil penalty of up to \$59,114 per day of violation up to a total of \$472,901 for each violation. Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

### **General Duty Clause**

13. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), commonly referred to as the “General Duty Clause” (GDC), owners and operators of stationary sources producing, processing, handling or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and the same extent as the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 654 *et. seq.*, to (a) identify hazards which may result from accidental releases of such substances, using appropriate hazard assessment techniques; (b) design and maintain a safe facility, taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur.

### **Definitions**

14. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

15. Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A) defines “accidental release” as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

16. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C) defines “stationary source,” in part, 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 common control), and from which an accidental release may occur.

17. Section 112(r)(2)(B) of the CAA, 42 U.S.C. § 7412(r)(2)(B) defines “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA.

18. The term “extremely hazardous substance” means an extremely hazardous substance within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1). Such substances include any chemical which may, as a result of short-term exposures associated with releases to the air, cause death, injury, or property damage due to its toxicity, reactivity, flammability or corrosivity.<sup>1</sup> The term includes, but is not limited to, regulated substances listed in Section 112(r)(3), 42 U.S.C. § 7412(r)(3). Also, the release of any substance that causes death or serious injury because of its acute toxic effect or as a result of an explosion or fire or that causes substantial property damage by blast, fire, corrosion, or other reaction would create a presumption that such substance is extremely hazardous.<sup>2</sup>

#### **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

19. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

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<sup>1</sup> Senate Committee on Environment and Public Works, Clean Air Act Amendments of 1989, Sen. Report No. 228, 101st Congress, 1st Session 211 (1989).

<sup>2</sup> *Id.*

20. Respondent is the owner and operator of a facility located at 701 S. Shiloh Road Garland, TX 75042 (the “Facility”).

21. On August 7, 2023, there was an incident at the Facility that EPA alleges resulted in an accidental release (the “Incident”) of byproducts from a temperature sensitive organic peroxide, leading to an overpressure release event. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, EPA conducted an investigation of the Facility beginning September 12, 2023, to determine Respondent’s compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1) (the “Investigation”).

22. On October 21, 2024, EPA sent Respondent a Notice Letter. On December 16, 2024, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, EPA requested on December 16, 2024, and Respondent subsequently provided, documentation and information concerning the Incident and Respondent’s compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

23. EPA alleges that the root cause of the Incident involved the storage of a raw material ingredient above the manufacturer recommended temperature.

24. The Facility is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C). Manufacturer recommendations for the storage and handling of the raw material involved in the incident are below 50 degrees Fahrenheit (°F), use in a controlled climate area below 68 °F, elimination of potential static electric discharges, and, avoiding container placement in direct sunlight.

25. EPA alleges the raw material is an extremely hazardous substance subject to requirements of the GDC due to its unstable chemical composition. The material begins to decompose at temperatures exceeding 68°F and should not be stored in direct sunlight. This substance has a self-accelerating decomposition temperature of 108 °F, under which the material will spontaneously react to generate flammable vapors. Spontaneous decomposition may lead to an overpressure release event.

26. From the time Respondent first produced, processed, handled, or stored the raw material at the Facility, EPA alleges Respondent was subject to the requirements of the General Duty Clause in Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

27. Based upon the information gathered during the Investigation, EPA determined that Respondent violated certain provisions of the CAA.

#### **E. ALLEGED VIOLATIONS**

28. The facts stated in EPA Findings of Fact and Conclusions of Law above are herein incorporated.

29. Complainant hereby states and alleges that Respondent has violated the CAA and federal regulations promulgated thereunder as stated below.

#### **Count 1 – General Duty Clause**

30. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the Prevention of Accidental Releases, states that the owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty in the same manner and to the same extent as section 654 of title 29 to identify hazards which may result from such releases using appropriate hazard assessment techniques.

31. EPA alleges that Respondent failed to fully design and maintain a safe facility taking such steps as necessary to prevent releases. EPA alleges Respondent failed to fully recognize, evaluate, and address the hazards and consequences of regularly occurring high ambient temperatures over 95 degrees Fahrenheit during mid to late summer (August), and which may persist for several consecutive days in the Garland, TX area where the Facility is located, as such conditions may directly affect the storage, transfer, and management of extremely hazardous substances used in the CAT-5/R5 Low Temperature Resin Production area.

32. EPA alleges that Respondent's failure to sufficiently identify and address the ambient temperature hazards which may lead to overpressure release events and accidental releases involving organic peroxide using appropriate hazard assessment techniques is a violation of the GDC, at Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

### **Count 2 – General Duty Clause**

33. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the Prevention of Accidental Releases, states that the owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty in the same manner and to the same extent as section 654 of title 29 to design and maintain a safe facility taking such steps as are necessary to prevent releases.

34. EPA alleges that Respondent acquired the Facility from The Valspar Corporation ("Seller") on June 1, 2017 and Seller failed to safely design the CAT-5/R5 Low Temperature Resin Production area by feasible means to ensure it eliminated or materially reduced the hazards posed by storage and handling of the organic peroxide chemicals under elevated ambient temperature weather conditions, which exceeded published manufacturer and supplier



specifications and recommendations, and also failed to take the necessary steps to prevent a release of those substances under such conditions.

35. EPA alleges that Respondent's failure to design and maintain a safe facility taking such steps as are necessary to prevent releases is a violation of the GDC, at Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

### **Count 3 – General Duty Clause**

36. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), the Prevention of Accidental Releases, states that the owners and operators of stationary sources producing, processing, handling or storing such substances have a general duty in the same manner and to the same extent as section 654 of title 29 to identify hazards which may result from such releases using appropriate hazard assessment techniques to minimize the consequences of accidental releases which do occur.

37. EPA alleges that Respondent failed to minimize the consequences of the accidental release that occurred August 7, 2023, by not having appropriate emission control and other release mitigation, retention, and containment mechanisms in place to prevent or reduce the excess emissions released to atmosphere, and the volume of firefighting materials mixed with aqueous residues released to Duck Creek.

38. EPA alleges that Respondent's failure to minimize the consequences of accidental releases which do occur is a violation of the GDC, at Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

**F. CONSENT AGREEMENT AND CIVIL PENALTY**

**General**

39. For the purpose of this proceeding only, as required by 40 C.F.R. § 22.18(b)(2),

Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to any conditions specified herein;
- e. waives any right to contest the allegations set forth herein; and
- f. waives its rights to appeal the Final Order accompanying this CAFO.

For the purpose of this proceeding, Respondent:

- i. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- ii. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;
- iii. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the United States District Court for the Northern District of Texas;
- iv. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to

compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

- v. consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein; and
- vi. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties, or other relief relating to the Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been or could have been specifically resolved pursuant to this CAFO.

40. By signing this CAFO, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying this CAFO.

41. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

### **Penalty Assessment and Collection**

42. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violations, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violations, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$195,686.99 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

43. Respondent agrees to pay the EPA Penalty within forty-five (45) calendar days of the Effective Date of this CAFO. Respondent shall pay the EPA Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Order, Docket No. CAA-06-2024-3329. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2024-3329. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6.

b. Concurrently with any payment, email proof of such payment and the transmittal letter to the following email addresses:

Diana Lundelius  
U.S. EPA Region 6  
lundelius.diana@epa.gov

Region 6 Hearing Clerk  
U.S. EPA Region 6  
Vaughn.Lorena@epa.gov

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
Via electronic mail to:  
CINWD\_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due.

44. Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the EPA Penalty per this CAFO, the entire unpaid balance of the EPA Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the Effective Date. If the EPA Penalty is paid in full within forty-five (45) days, interest accrued is waived. If the EPA Penalty is not paid in full within forty-five (45) days, interest will continue to accrue until any unpaid portion of the EPA Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to

26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.

b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.

c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

45. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the EPA Penalty per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following:

a. refer the debt to a credit reporting agency, a collection agency, or request that the Attorney General bring civil action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the EPA Penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13 and 13.14;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

### **Conditions of Settlement**

46. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

47. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

48. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. *See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).*

49. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

50. By signing this CAFO, Respondent certifies that it is presently in compliance with all requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

51. By signing this CAFO, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party it represents to this CAFO.

52. Respondent and EPA agree to the use of electronic signatures for this matter. EPA and Respondent consent to service of a final order by email at the following valid email addresses: henley.hollis@epa.gov (for EPA) and stephenfitzgerald@paulhastings.com (for Respondent).

53. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 44.b of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

54. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to annually the Internal Revenue Service ("IRS"), a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's alleged violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and



26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at [chalifoux.jessica@epa.gov](mailto:chalifoux.jessica@epa.gov), on or before the date that Respondent's penalty payment is due, pursuant to Section F (Penalty Assessment and Collection) of the CAFO, or within seven (7) days should this Order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

**G. EFFECT OF CONSENT AGREEMENT AND RESERVATION OF RIGHTS**

55. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in Sections D and E above.

56. The terms, conditions and requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

57. Penalties paid pursuant to this CAFO shall not be deductible for purposes of Federal, State, and local taxes.

58. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties as provided in Section 113(b) of the Act, 42 U.S.C. § 7413(b) and adjusted for inflation pursuant to 40 C.F.R. Part 19, as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

59. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of the Clean Air Act, 42 U.S.C. § 7401, *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

60. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

61. If and to the extent EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA, EPA reserves any and all of its legal and equitable rights.

**H. EFFECTIVE DATE**

62. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing with the Regional Hearing Clerk, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Regional Hearing Clerk. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

The foregoing Consent Agreement in the Matter of The Sherwin Williams Company, Docket No. CAA-06-2024-3329, is Hereby Stipulated, Agreed, and Approved for Entry.

**FOR RESPONDENT:**

**THE SHERWIN-WILLIAMS COMPANY**

Date: September 29, 2025

  
\_\_\_\_\_  
Signature

Stephen J. Perisutti  
\_\_\_\_\_  
Print Name

SVP, Deputy General Counsel, Ass't Secretary  
\_\_\_\_\_  
Title

**FOR COMPLAINANT:**

**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: \_\_\_\_\_

\_\_\_\_\_  
Cheryl T. Seager  
Director  
Enforcement and  
Compliance Assurance Division  
U.S. EPA, Region 6

**FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Sherwin-Williams Company is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Dated \_\_\_\_\_

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

**Copy via Email to Complainant:**

henley.hollis@epq.gov  
lundelius.diana@epa.gov

**Copy via Email to Respondent:**

stephenfitzgerald@paulhastings.com  
jason.perdion@sherwin.com

The Sherwin-Williams Company  
701 S. Shiloh Road  
Garland, Texas 75042

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Regional Hearing Clerk  
U.S. EPA, Region 6