



DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Third Consent Decree Modification under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 24, 2026, the Department of Justice lodged a proposed third consent decree modification with the United States District Court for the District of New Jersey in the lawsuit entitled *United States v. The Sherwin-Williams Company*, Civil Action No. 1:19-cv-01907-ESK-EAP, an action brought under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.*

The Court entered a consent decree (“Decree”) in April 2019 in this action which resolved the United States’ claim against The Sherwin-Williams Company (“Sherwin-Williams”) for United States past costs relating to the Sherwin-Williams/Hilliards Creek Site, Route 561 Dump Site, and United States Avenue Burn Site (the “Sites”), located in Gibbsboro and Voorhees, New Jersey. The Decree also provides for Sherwin-Williams’ performance of the soils and sediments operable unit remedy selected by the U.S. Environmental Protection Agency (“EPA”) for the United States Avenue Burn Site.

The Decree also provides that, after EPA selects a remedy in a Record of Decision (“ROD”) for an additional operable unit (“OU”) at any of the Sites, the Decree may be modified to add Sherwin-Williams’ performance of the newly selected OU remedy to the work required under the Decree. In September 2025, EPA issued a ROD for an OU remedy that addresses groundwater at the Sherwin-Williams/Hilliards Creek Site (“SW/HC OU3 remedy”). This remedy provides for in-situ treatment of deep groundwater at the former manufacturing plant area at the SW/HC Site with chemical oxidation, chemical reduction, or sequestration and enhanced bioremediation. The proposed third modification lodged with the Court on September 24, 2026, provides for Sherwin-Williams’ performance of the SW/HC OU3 remedy.

The publication of this notice opens a period for public comment on the proposed third modification. Comments should be addressed to the Assistant Attorney General, Energy and

Natural Resources Division, and should refer to *United States v. The Sherwin-Williams Company*, Civil Action No. 1-19-cv-01907-ESK-EAP, D.J. Ref. No. 90-11-3-09023/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed third consent decree modification, with attached statement of work, may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed third consent decree modification, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,
*Assistant Section Chief,
Environmental Enforcement Section,
Energy and Natural Resources Division.*

[FR Doc. 2026-20112 Filed: 9/30/2026 8:45 am; Publication Date: 10/1/2026]