

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NATIONAL PAINT & COATINGS	§
ASSOC., THE SHERWIN-WILLIAMS	§ No. 121, 2004
CO., AMERON INTERNATIONAL	§
CORP., RUST-OLEUM CORP., THE	§ Court Below – Superior
VALSPAR CORP., TEXTURED	§ Court of the State of
COATINGS OF AMERICA, INC.	§ Delaware, in and for
AND TRUE VALUE MANUFACTURING	§ Kent County
CO.,	§ C.A. No. 03A-06-003
	§
Appellants Below,	§
Appellants,	§
	§
v.	§
	§
DELAWARE DEPT. OF NATURAL	§
RESOURCES & ENVIRONMENT	§
CONTROL & DELAWARE ENVIRON-	§
MENTAL APPEALS BOARD,	§
	§
Appellees Below,	§
Appellees.	§

Submitted: December 17, 2004

Decided: January 12, 2005

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 12th day of January 2005, the Court, having considered this matter after oral argument and on the briefs and supplemental memoranda filed by the parties, has determined that the final judgment of the Superior

Court should be affirmed, on the basis of and for the reasons assigned by the Superior Court in its decision dated February 26, 2004.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice