

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:) **Docket No. CWA-05-2024-0015**
)
Caterpillar Inc.) **Proceeding to Assess a Class II Civil**
1300 4-H Park Road) **Penalty under Section 309(g) of the Clean**
Pontiac, Illinois,) **Water Act, 33 U.S.C. § 1319(g)**
)
Respondent.)
_____)

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 309(g) of the Clean Water Act (“CWA” or “the Act”), 33 U.S.C. § 1319(g), and Sections 22.13(b) and 22.18(b)(2)-(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. §§ 22.13(b) and 22.18(b)(2)-(3).

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

3. Respondent is Caterpillar Inc. (Caterpillar), a corporation in Pontiac, Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). *See* 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 terms of this CAFO, including the assessment of the civil penalty specified below.

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 right to contest the allegations and its right to appeal the proposed final order accompanying the consent agreement.

Statutory and Regulatory Background

9. Section 307(b) of the CWA, 33 U.S.C. § 1317(b), states “[t]he Administrator shall publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works.”

10. Pursuant to 307(b) of the CWA, 33 U.S.C. § 1317(b), the Administrator published “General Pretreatment Regulations for Existing and New Sources” on January 28, 1981, codified at 40 C.F.R. Part 403. By the terms of the regulation, the requirements of Part 403 became effective three years from the date of promulgation. These standards include general prohibitions, specific prohibitions, and local limits.

11. Section 307(d) of the CWA, 33 U.S.C. § 1317(d) states that after the effective date of any pretreatment standard promulgated under this section, it shall be unlawful for any owner or operator of any source to operate in violation of any such pretreatment standard.

12. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters except in compliance with, *inter alia*, a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

13. Section 402 of the CWA, 33 U.S.C. § 1342, establishes the NPDES program under which EPA and, upon receiving authorization from EPA, a state may permit discharges into navigable waters, subject to specific conditions. A violation of a NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

14. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Illinois requested approval from EPA to administer its own permit program for discharges into navigable waters within Illinois, and such approval was granted by EPA on October 23, 1977, 42 Fed. Reg. 58,566 (Nov. 10. 1977). Therefore, pursuant to the State's permit program, the Illinois Environmental Protection Agency ("IEPA") has issued Illinois NPDES permits.

15. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), authorizes the Administrator to assess a Class II civil penalty under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), after consultation with the State in which the violation occurs, when the Administrator finds, on the basis of any information available, that a person has violated Section 301 of the CWA, 33 U.S.C. § 1311, which prohibits unpermitted discharges of any pollutant to navigable waters and discharges of any pollutant to navigable waters not in compliance with a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, or when the Administrator finds that a person has violated a condition or limitation of a permit issued under 33 U.S.C. § 1342.

Factual Allegations

16. Respondent is a corporation and therefore a “person” under Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

17. At all times relevant to this Order, Respondent owned and operated the Caterpillar Inc., facility, a fuel system component producer, located in Pontiac, Illinois (Facility).

18. The term “indirect discharge” means the introduction of pollutants into a publicly owned treatment works (POTW) from any non-domestic source regulated under section 307(b), (c), or (d) of the CWA.

19. The term “industrial user” (IU) means a source of indirect discharge.

20. Respondent applied for and was issued NPDES Permit No. 2022-EP-67798 under Section 402 of the CWA, 33 U.S.C. § 1342, which became effective on November 28, 2022, and expires on October 31, 2027. The Permit authorizes the Respondent to discharge process wastewater from the Facility to the City of Pontiac’s combined sewer system for treatment at the City’s wastewater treatment plant, only in compliance with the specific terms and conditions of the Permit.

21. Respondent is therefore an IU as the term is defined in 40 C.F.R. § 403.3, which discharges pollutants into a POTW and therefore has one or more indirect discharges.

22. At all times relevant to this Order, Respondent was determined a categorical industrial user subject to the categorical pretreatment standards under 40 C.F.R. § 403.6 and the Effluent Guidelines and Standards for Metal Finish Point Source Category 40 C.F.R. § 433.15.

23. Respondent applied for and was issued NPDES General Permit No. ILR000000 under Section 402 of the CWA, 33 U.S.C. § 1342, which became effective on July 1, 2023 and expires on June 30, 2028. At the time of the EPA Inspection, Respondent was under an

administratively extended NPDES General Permit No. ILR006863. Permit ILR000000 is the renewed permit. At all times relevant to this Order, Respondent was authorized to discharge pollutants from the Facility via the stormwater outfalls to navigable waters only in compliance with the specific terms and conditions of the Permit.

24. At all times relevant to this Order, Respondent identified two (2) stormwater outfalls at the Facility, Outfall 002 and Outfall 003, which collect and discharge industrial stormwater into the North Creek, which is tributary to the Vermilion River.

25. Outfall 002 and Outfall 003 are discernible, confined, and discrete conveyances, each of which constitutes a “point source” as defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serve as a discharge point from the Facility.

26. Respondent’s discharge of stormwater from industrial activity from Outfall 002 and Outfall 003 into the North Creek constitutes a “discharge of a pollutant” as defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

27. The Vermilion River is “navigable waters” under Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

Count 1: Pretreatment Standards Violations

28. The statements in paragraphs 1 through 27 are hereby incorporated by reference as if set forth in full.

29. 40 C.F.R. § 403.12(e), requires any industrial user subject to a categorical Pretreatment Standard to submit to the Control Authority during the months of June and December a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record

of measured or estimated average and maximum daily flows for the reporting period for the discharges.

30. On three (3) occasions between January 1, 2021, and December 31, 2023, Respondent did not submit a report indicating the nature and concentration of pollutants in the effluent discharged to the City.

31. During the EPA Inspection, Respondent did not utilize flow meters within the process and was unable to provide EPA with a historic or current average or daily flow of the discharge.

32. 40 C.F.R. § 403.12(o)(2) requires industrial users to retain, for a minimum of 3 years, any records of monitoring activities and results.

33. During the EPA Inspection, Respondent's record policy indicated records should be shredded after one year of retention.

34. 40 C.F.R. § 403.12(g)(3) requires grab samples to be used when collecting samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority.

35. During the EPA Inspection, Respondent collected samples using a time-proportional composite sampling technique without authorization from the Control Authority.

36. Each violation of the conditions of the Permit or Pretreatment Regulations described above in Count 1 is a violation of Section 307 of the CWA, 33 U.S.C. § 1317.

37. Therefore, Respondent is a person with an indirect discharge, in violation of Section 301 of the CWA, 33 U.S.C. § 1317.

Count 2: General Violations

38. The statements in paragraphs 1 through 27 are hereby incorporated by reference as if set forth in full.

39. 40 C.F.R. § 112.7(c) requires owners or operators of a facility whose primary manufacturing operation is fuel system components to provide appropriate containment and/or diversionary structures to prevent a discharge.

40. On two (2) occasions during the EPA Inspection, Respondent stored chemicals/oils outside of bermed areas, including a 55-gallon drum stored directly on top of a floor drain leading to the wastewater treatment system.

41. 40 C.F.R. § 136.3 requires any hydrogen ion (pH) sample collected to be analyzed within 15 minutes of sample collection.

42. During the EPA Inspection, Respondent's records indicated pH values are analyzed outside of the required 15-minute timeframe.

43. Each violation of the conditions of the Permit or General Regulations described above in Count 2 is a violation of Section 307 of the CWA, 33 U.S.C. § 1317.

44. Therefore, Respondent is a person with an indirect discharge, in violation of Section 301 of the CWA, 33 U.S.C. § 1317.

Count 3: SWPPP Violations

45. The statements in paragraphs 1 through 27 are hereby incorporated by reference as if set forth in full.

46. Part E. of the Permit requires Respondent to develop and implement a Stormwater Pollution Prevention Plan (SWPPP). Part E.5. of the Permit describes the required contents of the SWPPP.

47. During the EPA Inspection, Respondent's SWPPP did not include a topographic map, a legible Facility map, the percent of impervious surfaces at the Facility, pollutants expected to be present in the stormwater discharge, and contact information for the stormwater pollutant prevention team, and did not indicate the Facility discharges to an impaired waterway, as required in the Permit, in violation of Part E.5. and Section 301 of the CWA, 33 U.S.C. § 1311.

48. Each violation of the conditions of the Permit or regulations described above in Count 3 is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

49. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters, in violation of its permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

Count 4: Control Measures and Best Management Practices Violations

50. The statements in paragraphs 1 through 27 are hereby incorporated by reference as if set forth in full.

51. Part F.2.a. of the Permit requires Respondent to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. This includes the use of grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas; clean up spills and leaks promptly to prevent the discharge of pollutants; use spill/overflow protection equipment; oil & grease separators, booms, skimmers, or other methods to minimize oil contaminated stormwater discharges. Management practices shall be implemented, such as debris and sediment control (e.g., screens, booms, sediment ponds, or other methods), to reduce debris and sediment in stormwater discharges.

52. During the EPA Inspection, Respondent was discharging contaminated flows in four (4) areas of the site, including discolored water to the North Creek from Outfall 002 and Outfall 003, turbid stormwater near the fire suppression system, and stormwater with an oil sheen between the manufacturing and wastewater treatment areas of the Facility. Additionally, Respondent did not minimize exposure of material storage areas to rain, snow, or runoff near the salt application trucks, in violation of Part F.2.a. of the Permit, and Section 301 of the CWA, 33 U.S.C. § 1311.

53. Each violation of the conditions of the Permit or regulations described above in Count 4 is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

54. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters, in violation of its permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

Count 5: Record Keeping Violations

55. The statements in paragraphs 1 through 27 are hereby incorporated by reference as if set forth in full.

56. Part G.2. of the Permit requires Respondent to document the findings of facility inspections and maintain the report within its SWPPP.

57. Part H.1. of the Permit requires the Respondent to review the SWPPP when control measures are not stringent enough for the discharge to meet applicable water quality standards or conditions of the permit or, but not limited to, when visual observations indicate signs of stormwater pollution (e.g. unnatural color, odor, turbidity, sheen, etc.).

58. Part H.2. of the Permit requires the respondent to immediately take all reasonable steps necessary to minimize or prevent the discharge of pollutants and document the existence of

any conditions listed in Part H.1. of the Permit within 24 hours of becoming aware of such condition. Respondent must also document the corrective actions taken that occurred as a result of the conditions, within 14 days from the time of discovery of those conditions.

59. On three (3) occasions between November 24, 2020, and October 21, 2021, Respondent did not include corrective actions needed or taken due to sheen observed at Outfall 002, did not document observations in annual inspection reports, and did not document if Outfall 002 or Outfall 003 were discharging at the time of the inspections, in violation of Part G.2, Part H.1, and Part H.2. of the Permit, and Section 301 of the CWA, 33 U.S.C. § 1311.

60. Each violation of the conditions of the Permit or regulations described above in Count 5 is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

61. Therefore, Respondent is a person who discharged pollutants from a point source into navigable waters, in violation of its permit, in violation of Section 301 of the CWA, 33 U.S.C. § 1311.

Civil Penalty

62. Under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, the Administrator may assess a Class II civil penalty up to \$25,847 per day of violation up to a total of \$323,081, for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 12, 2022, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

63. Based upon the facts alleged in this CAFO, and upon the nature, circumstances, extent and gravity of the violations alleged, as well as Respondent's ability to pay, prior history of such violations, degree of culpability, economic benefit or savings (if any) resulting from the

violations, and such other matters as justice may require, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$64,044.30.

64. Respondent agrees to pay a civil penalty in the amount of \$64,044.30 (Assessed Penalty) within thirty (30) days after the Final Order ratifying this Agreement is filed with Regional Hearing Clerk (Filing Date).

65. Respondent shall pay the Assessed Penalty and any interest, fees, and any 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>.

66. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this agreement:
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
R5hearingclerk@epa.gov

Jennifer Bush (ECW-15J)
U.S. Environmental Protection Agency
Bush.Jennifer@epa.gov

Jeffrey Cahn (C-14J)
Attorney Advisor
Office of Regional Counsel
U.S. Environmental Protection Agency
Cahn.Jeff@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, and identified with the appropriate docket number and Respondent’s name.

67. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the unpaid amount of the Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charged will be assessed every thirty

(30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late penalty payment of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

68. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, 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 or a collection agency, per 40 C.F.R. § 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- 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, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

69. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

70. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

71. Tax Reporting. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, 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 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. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- 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 Center at Wise.Milton@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of this Order per paragraph 83; and
 - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

General Provisions

72. The parties consent to service of this CAFO by email at the following valid email addresses: Cahn.Jeff@epa.gov (for Complainant) and Kumar_jp@cat.com (for Respondent). Respondent understands that the CAFO will become publicly available upon proposal for public comment and upon filing.

73. Full payment of the penalty as described in paragraphs 63 and 64 and full compliance with this CAFO shall not in any case affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

74. As provided under 40 C.F.R. § 22.18(c), full payment of the penalty as described in paragraphs 63 and 64 and full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for the particular violations alleged in this CAFO.

75. This CAFO does not affect Respondent's responsibility to comply with the CWA and other applicable laws, regulations, or permits.

76. Respondent certifies that it is complying with Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a), 1342.

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

78. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to the terms of this CAFO.

79. Each party agrees to bear its own costs and attorneys fees in this action.

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

81. Pursuant to 40 C.F.R. § 22.18(b)(3), this Consent Agreement does not dispose of this proceeding without execution of the Final Order. The Final Order will not be issued until after completion of the requirements of Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45(b), which require, among other things, public notice and a reasonable opportunity to comment on any proposed penalty order. Further, under Section 309(g), 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.45, this Consent Agreement may be withdrawn before execution

of the Final Order. Please refer to Section 309(g) of the CWA, 33 U.S.C. 1319(g), 40 C.F.R. § 22.45, and 40 C.F.R. Part 22 (the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties) for detailed information on the procedures regarding Consent Agreement and Final Order as a penalty order under the CWA and settlement under Part 22.

82. When final and effective, this CAFO is a “final order” for purposes of 40 C.F.R. §§ 22.13, 22.18, 22.31, 22.45 and the EPA’s Interim Clean Water Act Settlement Penalty Policy (Mar. 1995).

83. In accordance with Section 309(g)(5) of the CWA, 33 U.S.C. § 1319(g)(5), and 40 C.F.R. § 22.45, this CAFO shall become effective 30 days after the date of issuance unless, if applicable, a commenter files a petition for judicial review pursuant to 33 U.S.C. § 1319(g)(8) or a request for hearing pursuant to 33 U.S.C. § 1319(g)(4)(C), or, if applicable, 30 days after the request or petition is denied. The date of issuance is the date the Final Order is signed by the Regional Judicial Officer or Regional Administrator.

In the Matter of:
Caterpillar Inc.
Docket No. CWA-05-2024-0015

Caterpillar Inc., Respondent



Michael T. Crowe
Director Manufacturing Operations
Caterpillar Inc.

June 18, 2024
Date

United States Environmental Protection Agency, Complainant

MICHAEL
HARRIS

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. EPA Region 5

Digitally signed by MICHAEL
HARRIS
Date: 2024.07.25 11:11:31 -05'00'

7/25/2024
Date

**In the Matter of:
Caterpillar Inc.
Docket No. CWA-05-2024-0015**

Final Order

In accordance with Section 309(g)(5) of the CWA, 33 U.S.C. § 1319(g)(5), and 40 C.F.R. § 22.45, this CAFO shall become effective 30 days after the date of issuance unless, if applicable, a commenter files a petition for judicial review pursuant to 33 U.S.C. § 1319(g)(8) or a request for hearing pursuant to 33 U.S.C. § 1319(g)(4)(C), or, if applicable, 30 days after the request or petition is denied. The date of issuance is the date the undersigned signed this Final Order. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18, 22.31, and 22.45. IT IS SO ORDERED.

By: _____ Date: _____
Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5