

United States  
Environmental Protection  
Agency

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**PUBLIC NOTICE**

**RECEIVED**  
MAY 13 2011

Caterpillar, Inc.  
2200 Channahon Road, Joliet, Illinois  
Case Docket No. **CWA-05-2011-0006**  
**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**

The U.S. Environmental Protection Agency (U.S. EPA), Region 5, is providing this notice of proposed issuance of an administrative Consent Agreement and Final Order settling claims against Caterpillar, Inc., (Respondent) for violations of the Clean Water Act (CWA) at its 2200 Channahon Road, Joliet, Illinois facility (Channahon facility). This CAFO will settle U.S. EPA's allegations that the Respondent violated the Oil Pollution Act and its implementing regulations when it (1) discharged wastewater containing oil into or upon the Des Plaines River and its adjoining shoreline on or about February 8, 2009 in a harmful quantity; and (2) failed to properly prepare and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan. In the CAFO, U.S. EPA Region 5 and Caterpillar have agreed that Caterpillar will pay an administrative penalty of \$90,000.

A copy of the proposed CAFO may be viewed on-line at: <http://epa.gov/region5/publicnotices/index.htm> by clicking on the Caterpillar, Inc., Consent Agreement and Final Order listed there. Alternatively, you may contact the Regional Hearing Clerk at the address listed below to request a copy of the proposed CAFO.

**OPPORTUNITY FOR COMMENT:** Section 309(g) of the CWA, 33 U.S.C. §1319(g), requires that interested persons be given notice and a reasonable opportunity to comment on the proposed issuance of this CAFO.

Any person who wishes to comment on this proposed CAFO may submit written comments by following the procedures in Title 40 of the Code of Federal Regulations, Part 22, Section 45 (40 C.F.R. 22.45), particularly subpart (C) *Comment by a person who is not a party*. This portion of the Code of Federal Regulations may be accessed at <http://www.gpoaccess.gov/cfr/retrieve.html>.

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**Comments should be made in writing to the Regional Hearing Clerk at:**

Docket No. **CWA-05-2011-0006**  
Regional Hearing Clerk  
Mail Code E-19J  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard, E-19J  
Chicago, Illinois 60604

Written comments may be submitted to the Regional Hearing Clerk electronically, or by delivery to the Clerk's address above. Your comments should include the case name, docket number, and your complete mailing address. It should also state with specificity the reasons or basis for your position on the CAFO and provide any material evidence that should be considered. If you plan to use FAX or a messenger service to deliver your comments or other documents, please call the Regional Hearing Clerk at (312) 886-3713 for further instructions to insure delivery.

To submit comments electronically, go to the website: <http://www.epa.gov/region5/publicnotices/>, click the "Submit a Comment Online" phrase in the first paragraph, and complete the blanks. Note that the U.S. EPA requires you to include your mailing address in the electronic comments. If you wish to include any attachments with your electronic comments, please mail them to the Regional Hearing Clerk in hard copy (with a copy of the e-mail), so that we are certain to receive your documents in an unaltered, complete, and readable form.

**All written comments must be received in the Regional Hearing Clerk's Office no later than 4:30 p.m., Central Time, of the Comment Period End Date shown on the Public Notices home page for this docket number:**

<http://www.epa.gov/region5/publicnotices/index.htm>

Only documents sent to the Regional Hearing Clerk are assured of consideration in this matter prior to issuance of the proposed CAFO.

All documents filed in this proceeding (including documents submitted by the Respondent or by the public) are available for

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public inspection by appointment only between 9 a.m. and 4:30 p.m. Monday through Friday at the U.S. EPA Regional Office.

You may make an appointment for such and inspection by calling (312) 886-3713 or by writing the Regional Hearing Clerk at the address above.

If no comments are received or this proposed CAFO is issued in its present form, then no hearing will be held. If a hearing is held, we will advise the commenters who timely requested a hearing of the date, time and place of the hearing. Commenters may attend and present evidence on the appropriateness of the proposed CAFO by following the instructions in 40 C.F.R. 22.45(c)(1).

The U.S. EPA will send a copy of the proposed CAFO to any person who submitted written comments or attended a hearing, provided they give us their current mailing address.

Only persons who during the comment period submit written comments or ask to participate in a hearing held in this matter reserve a right to petition the Regional Administrator to set aside the proposed CAFO on the basis that material evidence was not considered, as described in 40 C.F.R.22.45(c)(4).