



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 27, 2021

REPLY TO ATTENTION OF
ECW-15J

VIA ELECTRONIC MAIL

Jeffrey Liebling, General Counsel
Ideal Industries, Inc.
1375 Park Avenue
Sycamore, Illinois 60178
jeff.liebling@idealindustries.com

Re: Ideal Industries, Inc., Consent Agreement and Final Order, Docket Number CWA-05-2021-0006

Dear Mr. Liebling:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on September 27, 2021.

Please pay the Clean Water Act civil penalty in the amount of \$35,000 in the manner prescribed in paragraphs 86 and 87, and reference your check with the docket number CWA-05-2021-0006.

Your payments are due on October 27, 2021.

Please feel free to contact Newton Ellens at (312) 353-5562 if you have any questions regarding the enclosed documents. Please direct any legal questions to Puja Lakhani at (312) 353-3190. Thank you for your assistance in resolving this matter.

Sincerely,

MOLLY
SMITH

Digitally signed by
MOLLY SMITH
Date: 2021.09.27
09:17:20 -05'00'

Molly Smith
Section 1 Chief
Water Enforcement and Compliance Assurance Branch

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. CWA-05-2021-0006
)	
Ideal Industries, Inc. Sycamore, Illinois)	Proceeding to Assess a Class II Civil Penalty under Section 309(g) of the Clean 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 Ideal Industries, Inc. (“Respondent”), a corporation in Sycamore, 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 and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO including, but not limited to, its right to request a hearing under 40 C.F.R. § 22.15(c) and Sections 309(g)(2)(B) and (4)(C) of the CWA, 33 U.S.C. § 1319(g)(2)(B) and (4)(C); its right to appellate review under Section 309(g)(8)(B) of the CWA, 33 U.S.C. § 1319(g)(8)(B); its right to seek federal judicial review of the CAFO pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06; any right to contest the allegations in this CAFO; and its right to appeal this CAFO. Respondent also consents to the issuance of this CAFO without further adjudication.

Statutory and Regulatory Background

9. Section 307(b) of the Act, 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 Act, 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 this regulation, the requirements of 40 C.F.R. Part 403 became effective three years from the date of promulgation.

11. Pursuant to Section 307(b) of the CWA, 33 U.S.C. § 1317(b), the Administrator published the Metal Molding and Casting Point Source Category on October 30, 1985, (codified at 40 C.F.R. Part 464). Pretreatment Standards for New Sources under this category became effective on November 15, 1982.

12. Pursuant to Section 307(b) of the CWA, 33 U.S.C. § 1317(b), the Administrator published the Metal Finishing Point Source Category on July 15, 1983, (codified at 40 C.F.R. Part 433). Pretreatment Standards for New Sources under this category became effective on August 31, 1982.

13. Section 307(d) of the Act, 33 U.S.C. § 1317(d), states that [a]fter 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 any source in violation of any such ... pretreatment standard.”

14. “Act” or “CWA” means the Clean Water Act, 33 U.S.C. § 1251 et seq.

15. “EPA” means the United States Environmental Protection Agency.

16. “Facility” means Ideal Industries, Inc. located at 1800 S. Prairie Drive, in Sycamore, Illinois.

17. “GPD” means gallons per day.

18. “IEPA” means the Illinois Environmental Protection Agency.

19. “MGD” means millions of gallons per day.

20. “Outfall” means a type of “point source,” as that term is defined in Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that serves as a discharge point from the facility.

21. “Parties” means EPA and Respondent.

22. “Person,” as defined in Section 502(5) of the CWA, means an “individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.” 33 U.S.C. § 1362(5).

23. “Point source,” as defined in Section 502(14) of the CWA, means “any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

24. “Pollutant,” as defined in Section 502(6) of the CWA, means “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6).

25. “Publicly Owned Treatment Works” or “POTW” means a treatment works, as defined in Section 212 of the CWA, 33 U.S.C. § 1292(2), that is owned by a State, Tribe, or a municipality (as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4)). Pursuant to 40 C.F.R. § 403.3(q), the definition of POTWs includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, 33 U.S.C. § 1362(4), that has jurisdiction over indirect and direct discharges to such a treatment works.

26. “Respondent” means Ideal Industries, Inc.

27. “State” means the State of Illinois.

28. 40 C.F.R. § 403.3(c) defines the term “Approval Authority” to mean the appropriate EPA Regional Administrator who oversees a National Pollution Discharge Elimination System (NPDES) for a State that lacks an approved State pretreatment program.

29. 40 C.F.R. § 403.3(f)(2) states that the term “Control Authority” refers to the Approval Authority if the POTW's Pretreatment Program Submission has not been approved by the Approval Authority.

30. 40 C.F.R. § 403.3(i) states that the term “Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act.

31. 40 C.F.R. § 403.3(j) defines the term “Industrial User” to mean a source of Indirect Discharge.

32. 40 C.F.R. § 403.3(m)(1) defines a “New Source” as any building, structure, facility, or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section (new source date).

33. 40 C.F.R. § 403.3(v)(1)(i) states that a Significant Industrial User (SIU) means all Industrial Users subject to Categorical Pretreatment Standards under 40 C.F.R. § 403.6 and the Effluent Guidelines and Standards for Point Source Categories at 40 C.F.R. chapter I, subchapter N.

34. On July 15, 1983, EPA promulgated the Pretreatment standards for new sources, Metal Finishing Point Source Category at 40 C.F.R. Part 433. 48 FR 32485.

35. 40 C.F.R. Part 433, Subpart A at § 433.10(a) states that the provisions for the Metal Finishing Point Source Category, Metal Finishing Subcategory, are applicable to "...plants which perform coating (including phosphating) on any basis material and the discharges from those operations and also to discharges from any of the listed 40 process operations."

36. On October 30, 1985, EPA promulgated the Pretreatment standards for new sources, Metal Molding and Casting Point Source Category at 40 C.F.R. Part 464. 50 FR 45247.

37. 40 C.F.R. Part 464, Subpart D at § 464.40 states that the provisions for the Metal Molding and Casting Point Source Category, Zinc Casting Subcategory, are applicable to the introduction of pollutants into publicly owned treatment works resulting from zinc casting operations as defined in § 464.02(d).

38. 40 C.F.R. § 464.02(d) defines zinc casting as the re-melting of zinc or zinc alloy to form a cast intermediate or final product by pouring or forcing the molten metal into a mold, except for ingots, pigs, or other cast shapes related to nonferrous (primary) metals manufacturing (40 CFR Part 421) and nonferrous metals forming (40 CFR Part 471).

39. The new source date for indirect dischargers subject to the Metal Finishing Point Source Category is August 31, 1982.

40. The new source date for indirect dischargers subject to the Metal Molding and Casting Point Source Category is November 15, 1982.

41. 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), when the Administrator finds, on the basis of any information available, that a person has violated Section 307 of the CWA, 33 U.S.C. § 1317.

Factual Allegations and Alleged Violations

42. Respondent is a corporation, incorporated in the State of Illinois, so it is a “person,” as defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

43. At all times relevant to this CAFO, Respondent owned and/or operated Ideal Industries, Inc., located in Sycamore, Illinois (“facility”). The facility has discharged wastewater from its black oxide coating and zinc diecasting processes to the City of Sycamore POTW.

44. 40 C.F.R. § 403.1(b)(1) states the General Pretreatment Regulations for Existing and New Sources of Pollution apply to pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or otherwise introduced into POTWs.

45. 40 C.F.R. § 403.1(b)(4) states that the General Pretreatment Regulations apply to any new or existing source subject to Pretreatment Standards.

46. EPA is both the “Control Authority” and the “Approval Authority” as these terms are used in this Order and as defined in the General Pretreatment Regulations at 40 C.F.R. §§ 403.3(c) and (f).

47. Respondent is an Industrial User subject to the General Pretreatment Regulations at 40 C.F.R. § 403 as these terms are used in this Order and as defined in the General Pretreatment Regulations at 40 C.F.R. §§ 403.3(i) and (j).

48. EPA conducted a June 18, 2019, inspection report at Ideal’s Prarie Drive facility. EPA submitted a report of the June 18, 2019, inspection on July 17, 2019, to Ideal. Fehr Graham (the environmental consultant) submitted an August 7, 2019, response to the EPA inspection report.

49. During the June 18, 2019, inspection, Ideal staff stated that:

- a. The facility was constructed in 2015, the majority of the manufacturing processes were in place by February 2016, and site operations began in 2017; and
- b. The facility includes a black oxide process and a zinc diecast process.

50. Since the black oxide process at the facility was constructed in 2016, after the August 31, 1982, new source date for indirect dischargers subject to the Metal Finishing Point Source Category, then the black oxide process at Ideal is subject to pretreatment standards for new sources under the Metal Finishing Point Source Category.

51. Since the zinc diecast process at the facility was constructed in 2016, after the November 15, 1982, new source date for indirect dischargers subject to the Metal Molding and Casting Point Source Category, then the zinc diecast process at Ideal is subject to pretreatment standards for new sources under the Metal Molding and Casting Point Source Category.

52. During the June 18, 2019, inspection, Ideal staff stated that the facility processed 50,600 pounds of zinc in 2018 and that the Respondent operates its facility five days per week for the calendar year. This equates to a 260-day work year.

53. Using Ideal's processing and operating data (on a calendar yearly basis), EPA determined that Ideal processes an average of 195 pounds per day, or 0.000195 million pounds per day.

54. The Pretreatment standards for new sources under the Metal Molding and Casting Point Source Category, Zinc Casting Category at 40 C.F.R. § 464.64 state that any new source subject to this subpart which introduces pollutants into Publicly Owned Treatment Works (POTW) must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (for discharges from casting quench operations):

55. For copper, the monthly average limit is 0.0187 pounds per million pounds of metal poured;

56. For zinc, the monthly average limit is 0.0129 pounds per million pounds of metal poured; and

57. For oil and grease, the monthly average limit is 0.446 pounds per million pounds of metal poured.

58. Using Ideal's daily processing data, EPA determined the following mass limits for the Ideal facility (by multiplying the daily production rate by the categorical pretreatment standards):

- a. For copper, the monthly average limit is 3.65×10^{-6} pounds per day;
- b. For zinc, the monthly average limit is 2.25×10^{-6} pounds per day; and
- c. For oil and grease, the monthly average limit is 8.70×10^{-5} pounds per day.

59. EPA has recognized Respondent for its good faith efforts and its quick collaboration upon receipt of the May 2020 AOC to meet EPA's interpretation of 40 C.F.R. Part 464.

Count 1: Effluent Limit Violations

60. The statements in Paragraphs 1 through 59 are hereby incorporated by reference as if set forth in full.

61. Based on Ideal's self-monitoring reports, Ideal discharged pollutants in excess of monthly average mass limits during the semi-annual periods listed below:

- a. For copper:
 - i. For the second half of 2019: 0.0002 lb/day
 - ii. For the first half of 2019: 0.002 lb/day

- iii. For the second half of 2018: 0.006 lb/day
- iv. For the first half of 2018: 0.004 lb/day
- v. For the second half of 2017: 0.001 lb/day
- vi. For the first half of 2017: 0.001 lb/day

b. For zinc:

- i. For the second half of 2019: 0.001 lb/day
- ii. For the first half of 2019: 0.012 lb/day
- iii. For the second half of 2018: 0.007 lb/day
- iv. For the first half of 2018: 0.013 lb/day
- v. For the second half of 2017: 0.005 lb/day
- vi. For the first half of 2017: 0.008 lb/day

c. For oil and grease:

- i. For the second half of 2019: 0.009 lb/day
- ii. For the first half of 2019: 0.11 lb/day
- iii. For the second half of 2017: 0.049 lb/day
- iv. For the first half of 2017: 0.17 lb/day

62. Ideal's discharges exceeded monthly average mass limits by the percentages listed

below:

a. For copper:

- i. For the second half of 2019: 5,380%
- ii. For the first half of 2019: 54,700%
- iii. For the second half of 2018: 164,000%
- iv. For the first half of 2018: 109,000%

- v. For the second half of 2017: 27,300%
- vi. For the first half of 2017: 27,300%

b. For zinc:

- i. For the second half of 2019: 44,300%
- ii. For the first half of 2019: 533,000%
- iii. For the second half of 2018: 311,000%
- iv. For the first half of 2018: 578,000%
- v. For the second half of 2017: 222,000%
- vi. For the first half of 2017: 355,000%

c. For oil and grease:

- i. For the second half of 2019: 10,200%
- ii. For the first half of 2019: 126,000%
- iii. For the second half of 2017: 56,200%
- iv. For the first half of 2017: 195,000%

63. Ideal's failure to comply with mass limitations as described above constitutes violations of 40 C.F.R. § 464.46(a).

Count 2: Failure to Maintain and Operate Pretreatment Equipment

64. The statements in Paragraphs 1 through 59 are hereby incorporated by reference as if set forth in full.

65. Under 40 C.F.R. § 403.8(c)(5)(ii)(A), an industrial user subject to equivalent mass units must maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.

66. According to a wastewater schematic for the facility, Ideal does not pretreat wastewater from its die-cast quench tank.

67. During the June 18, 2019, inspection, Ideal staff stated that they collect samples of process wastewater from the end of an overflow pipe from the quench tank at the zinc diecast process. Therefore, Ideal's process wastewater samples (that represent the zinc diecast discharges to the sewer) come directly from the quench tank, without any pretreatment.

68. According to State documentation associated with Ideal's State permit for process wastewater discharges (dated December 3, 2015), the Ideal facility does not pretreat its process wastewater discharges.

69. Since Ideal does not effectively operate control and treatment technologies adequate to achieve compliance with equivalent mass limits, Ideal is in violation of 40 C.F.R. § 403.8(c)(5)(ii)(A).

Count 3: Failure to Record Flow Rates Using a Continuous Effluent Flow Monitoring Device

70. The statements in Paragraphs 1 through 59 are hereby incorporated by reference as if set forth in full.

71. Under 40 C.F.R. § 403.6(c)(5)(ii)(B), an industrial user subject to equivalent mass units must continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device.

72. According to EPA's July 17, 2019, inspection report, Ideal does not use a continuous effluent flow monitoring device to record the facility's flow rates. EPA staff asked Ideal staff if Ideal measures process wastewater flow. Ideal staff responded that flow is estimated through the facility's water usage bills, and the process is not equipped with a flow meter.

73. In the August 7, 2019, response to EPA's inspection report, Fehr Graham stated that Ideal updated its flow schematic, which outlines the estimated flows from each process generating wastewater, and Ideal has included estimated categorical wastewater flows in periodic compliance reports. The response, however, did not indicate that Ideal installed flow meters to record wastewater flow rates from its die-cast operations.

74. Since Ideal does not record the facility's flow rates through the use of a continuous effluent flow monitoring device, Ideal is in violation of 40 C.F.R. § 403.8(c)(5)(ii)(B).

Count 4: Failure to Use Approved Preservation Techniques

75. The statements in Paragraphs 1 through 59 are hereby incorporated by reference as if set forth in full.

76. Under 40 C.F.R. § 403.12(g)(5), "All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator."

77. According to Table II of 40 C.F.R. § 136.3 (Required Containers, Preservation Techniques, and Holding Times), fats, oils, and grease (FOG) samples must be cooled to 6°C or less.

78. According to a chain-of-custody record for samples collected on April 24, 2017, Ideal maintained a FOG sample at 9.6° C.

79. Since Ideal did not maintain a FOG sample (collected on April 24, 2017) at 6°C or less, as required by Table II of 40 C.F.R. § 136.3, Ideal is in violation of 40 C.F.R. § 403.12(g)(5).

Count 5: Failure to Submit a Baseline Monitoring Report

80. The statements in Paragraphs 1 through 59 are hereby incorporated by reference as if set forth in full.

81. Under 40 C.F.R. § 403.12(b), new sources subject to categorical pretreatment standards must submit a baseline monitoring report to the Control Authority at least 90 days prior to commencing discharges of wastewater from associated categorical processes.

82. On August 4, 2020, Ideal submitted a baseline monitoring report to EPA, the Control Authority, for its black oxide and zinc diecast processes (at least three years after Ideal began discharging wastewater from those processes).

83. Since Ideal did not submit a baseline monitoring report at least 90 days prior to discharging wastewater from its black oxide and zinc diecast processes, Ideal is in violation of 40 C.F.R. § 403.12(b).

Civil Penalty

84. 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 of up to \$22,584 per day of violation up to a total of \$282,293, for violations of the CWA that occurred after November 2, 2015 and for which penalties are assessed on or after January 13, 2020, or other amounts as penalty levels may be later adjusted at 40 C.F.R. Part 19.

85. 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, EPA has determined that an appropriate civil penalty to settle this action is \$35,000. This is based on the nature, extent and gravity of the

violations alleged as well as Respondent's: (i) lack of prior history, (ii) good faith efforts and work to respond quickly and address the deficiencies identified in the EPA's May 2020 AOC; (iii) operating under an IEPA permit at all times during Respondent's operations; (iv) submission of semi-annual reports to EPA and IEPA since starting operation's in 2017 identifying Respondent's effluent and discharges; and (v) such other matters considered by EPA in rendering this amount.

86. Within 30 days after the effective date of this CAFO, Respondent must pay the \$35,000 civil penalty by electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

87. A transmittal letter, stating Respondent's name, complete address, and the case docket number must accompany the payment. Respondent must write the case docket number on the face of the check and send copies of the check and transmittal letter to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (E-19J)
Chicago, Illinois 60604-3590

Newton Ellens (ECW-15J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Puja Lakhani (C-14J)
Attorney Advisor

Office of Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

88. This civil penalty is not deductible for federal tax purposes.

89. If Respondent does not timely pay the civil penalty, Complainant may request the United States Department of Justice bring a civil action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. Respondent acknowledges that the validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

90. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established pursuant to 26 U.S.C. § 6621(a)(2); 31 U.S.C. § 3717. In addition to the assessed penalty and interest, Respondent must pay the United States' attorney's fees and costs for collection proceedings, and Respondent must pay a nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 20 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. See 33 U.S.C. § 1319(g)(9).

General Provisions

91. The parties consent to service of this CAFO by email at the following valid email addresses: lakhani.puja@epa.gov (for Complainant) and jeff.liebling@idealindustries.com (for Respondent).

92. Full payment of the penalty as described in paragraphs 86 and 87 and full compliance with this CAFO shall not in any case affect the right of EPA or the United States to

pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

93. As provided under 40 C.F.R. § 22.18(c), full payment of the penalty as described in paragraphs 86 and 87 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.

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

95. Respondent certifies that it is complying with Section 307 of the Act, 33 U.S.C. § 1317.

96. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31 and the EPA's Interim Clean Water Act Settlement Penalty Policy (Mar. 1995).

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

98. 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.

99. Each party agrees to bear its own costs and attorney's fees in this action.

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

101. The effective date for this CAFO is the date it is filed with the Regional Hearing Clerk, which is after completion of the notice and comment requirements of Sections 309(g)(4)(C) and 309(g)(5) of the CWA, 33 U.S.C. §§ 1319(g)(4)(C), (5) and 40 C.F.R. §§ 22.38, 22.45, and which shall be at least 30 days after the CAFO has been signed by the Regional Judicial Officer or Regional Administrator.

In the Matter of:
Ideal Industries, Inc.
Docket No. CWA-05-2021-0006

Ideal Industries, Inc., Respondent

Type text here

DocuSigned by:
Carmen Cardillo
33CA81D6F9624F7...
Carmen Cardillo
General Manager
Ideal Industries, Inc.

21 July 2021

Date

United States Environmental Protection Agency, Complainant

Harris, Michael Digitally signed by Harris,
Michael
Date: 2021.08.05 12:00:43 -05'00'

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

Date

In the Matter of:
Ideal Industries, Inc.
Docket No. CWA-05-2021-0006

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

By: **ANN COYLE** Digitally signed by ANN COYLE
Date: 2021.09.27 13:23:35 -05'00'

Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

Date: _____

Consent Agreement and Final Order
In the matter of: Ideal Industries, Inc.
Docket No: **CWA-05-2021-0006**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number CWA-05-2021-0006, which was filed on September 27, 2021, in the following manner to the following addressees:

Copy by E-mail to Jeffrey Liebling
Attorney for Respondent: jeff.liebling@idealindustries.com

Copy by E-mail to Puja Lakhani
Attorney for Complainant: lakhani.puja@epa.gov

Copy by E-mail to Ann Coyle
Regional Judicial Officer: coyle.ann@epa.gov

Dated _____

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5