

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

FILED

May 30, 2025

7:26 am

U.S. EPA REGION 5
HEARING CLERK

In the Matter of:	)	Docket No. CAA-05-2025-0035
	)	
Eakas Corporation	)	Proceeding to Assess a Civil Penalty
Peru, Illinois,	)	Under Section 113(d) of the Clean Air Act,
	)	42 U.S.C. § 7413(d)
Respondent.	)	
_____	)	

Consent Agreement and Final Order

A. Preliminary Statement

1. This is an administrative penalty assessment proceeding commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (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. §§ 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3).

2. Complainant is the U.S. Environmental Protection Agency (EPA). The EPA Administrator has delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA to the Division Director of the Region 5 Enforcement and Compliance Assurance Division.

3. Respondent is Eakas Corporation, a corporation doing business in Illinois. Respondent is a “person,” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

4. The EPA and Respondent agree that settling this action is in the public interest and consent to the entry of this Consent Agreement and Final Order (CAFO) without the adjudication of any issues of law or fact.

5. Respondent agrees to comply with the terms of this CAFO.

B. Jurisdiction

6. The alleged violations in this CAFO are pursuant to Sections 113(a)(1)(B) and 113(a)(3)(A) of the CAA.

7. The EPA and the United States Department of Justice have jointly determined that this matter, although it involves a penalty assessment above \$460,926 and the alleged violations occurred more than one year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

8. In satisfaction of the notice requirements of Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), on December 28, 2021, the EPA issued to Respondent a Notice of Violation (NOV) and provided a copy of the NOV to the Illinois Environmental Protection Agency (IEPA), providing notice to Respondent and IEPA that the EPA found Respondent committed the alleged violations described in Section E of this CAFO and providing Respondent an opportunity to confer with the EPA. On January 25, 2022, representatives of Respondent and the EPA conferred regarding the December 28, 2021 NOV.

9. The Regional Judicial Officer of Region 5 is authorized to ratify the consent agreement memorializing the settlement between the EPA and Respondent and to issue the attached Final Order. 40 C.F.R. §§ 22.4(b) and 22.18(b).

C. Statutory and Regulatory Background

10. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410 (State Implementation Plan, or “SIP”).

11. On May 31, 1972, EPA approved 35 Illinois Administrative Code (“Ill. Adm. Code” or “IAC”) Part 201, “Permits and General Conditions,” into the federally enforceable SIP of Illinois. 37

Fed. Reg. 10862 (codified at 40 C.F.R. § 52.722). Since then, EPA has approved several revisions of 35 IAC Parts 201 through 283 into the federally enforceable SIP. See 40 C.F.R. § 52.720.

12. On March 21, 1996, EPA approved 35 IAC 211.4250 as part of the federally enforceable SIP for Illinois. 61 Fed. Reg. 11550.

13. 35 IAC 211.4250(b) defines "Organic material" as, "for the purpose of 35 Ill. Adm. Code 215, 218, and 219, any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as solvers, viscosity reducers, or cleaning agents, but excluding methane, acetone, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate."

14. On September 9, 1994, EPA approved 35 IAC 211.4690 as part of the federally enforceable SIP for Illinois. 59 Fed. Reg. 46562.

15. 35 IAC 211.4690 defines "Photochemically reactive material" as "any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations. Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure into more than one of the above groups of organic materials, it shall be considered as a member of the most reactive group, that is, the group having the least allowable percent of the total organic materials.

A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic types of unsaturation: 5 percent. This definition does not apply to perchloroethylene or trichloroethylene.

A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.

A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent."

16. On February 21, 1980, EPA approved 35 IAC 215.301 “Organic Material Emission Standards and Limitations” as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472.

17. Pursuant to 35 IAC 215.301, “no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.”

18. On February 21, 1980, EPA approved 35 IAC 215.302, “Alternative Standard” as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472.

19. Pursuant to 35 IAC 215.302, “emissions of organic material in excess of those permitted by Section 215.301 are allowable if such emissions are controlled by one of the following methods:
(a) Flame, thermal or catalytic incineration so as to either reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85 percent of the hydrocarbons to carbon dioxide and water...”

20. On May 31, 1972, EPA approved 35 IAC 201.144, “Operating Permits for Existing Sources”, as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10862.

21. 35 IAC 201.144 states that “no person shall cause or allow the operation of any existing emission source or any existing air pollution control equipment without first obtaining an operating permit from the Illinois Environmental Protection Agency (“Agency” or “IEPA”), except as provided in Section 201.146.”

22. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.

23. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a) provides that after the effective date of any approved operating permit program, it shall be unlawful for any person to violate any requirement of its operating permit, or to operate except in compliance with its operating permit. *See also* 40 C.F.R. §70.7(b).

24. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32250 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

25. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.

26. EPA approved Illinois' Title V program on December 4, 2001. 66 Fed. Reg. 62946. The Illinois Title V program is commonly referred to as the Clean Air Act Permit Program (CAAPP). The CAAPP is codified at 415 Illinois Compiled Statutes (ILCS) 5/39.5 *et seq.*

27. On November 18, 2016, the Illinois Environmental Protection Agency (IEPA) issued Air Emission Permit No. 97060012 to Eakas Corporation (the 2016 Title V permit).

28. The IEPA-issued Title V CAAPP No. 97060012 expired on November 18, 2021.

29. Condition 2.11.a of the 2016 Title V permit No. 97060012 states "Upon the expiration of this permit, if the source is operated, it shall be deemed to be operating without a permit unless a timely and complete CAAPP application has been submitted for renewal of this permit. However, if a timely and complete application to renew this CAAPP permit has been submitted, the terms and all conditions of the most recent issued CAAPP permit will remain in effect until the issuance of a renewal permit."

30. Eakas submitted its renewal Title V application on January 29, 2021. On November 23, 2021, IEPA issued the renewal CAAPP No. 97060012 to Eakas, which contains the same approach to applicability and compliance regarding the requirements in the Title V Permit issued in 2016 referenced herein (the 2021 Title V Permit).

31. The 2016 Title V Permit at Section 1 states that the source (Eakas Corporation) is owned by Sakae Riken Kogyo Co., Ltd and the operator is Eakas Corporation. Section 1 states the permittee owns and operates the source.

32. Condition 4.1.2.d.ii.C.1., of the 2016 Title V Permit states, “Pursuant to Section 39.5(7) (b) of the Act, the Permittee shall, annually and whenever the Permittee uses a new coating/solvent, determine the [Volatile Organic Material (VOM)] VOM content of specific coatings and cleaning solvents used on the coating line. The VOM content shall be determined as follows:

- I. The VOM content of representative coatings ‘as applied’ on the coating line shall be determined according to USEPA Reference Methods 24 and 24A of 40 CFR 60 Appendix A and the procedures of 35 IAC 215.105.
- II. This testing may be performed by the supplier of a material provided that the supplier provides appropriate documentation for such testing to the Permittee and the Permittee’s records directly reflect the application of such material and separately account for any additions of solvent.”

33. The 2016 Title V permit at Condition 4.1.3.b. states that “The coating lines are not subject to 40 CFR Part 63, Subpart PPPP, because the source is not a major source for HAP emissions pursuant to a synthetic minor limit” in Condition 3.4 of this permit.

34. The 2016 Title V permit at Condition 4.1.2.d.i.A. states that “Pursuant to 35 IAC 215.301, no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material

into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.”

35. The 2016 Title V permit at Condition 4.1.2.d.ii.H requires the Permittee to keep records of VOM emissions from the L Coating Line, RW Coating Line, HG Coating Line, Compact Line C-1, and Compact Line C-2 line in tons per month and tons per year, as well as supporting documentation and calculations.

36. The 2016 Title V permit at Condition 4.1.2.d.ii.E.1 states that the permittee shall maintain “a file containing calculations for the maximum organic material emissions that could be emitted in any continuous one-hour period for each emission source.”

D. Stipulated Facts

37. Eakas operates a facility that produces coated plastic automotive parts and accessories at 6251 Rte. 251, Peru, Illinois.

38. Eakas’ facility contains five coating lines: L Coating Line (L), RW Coating Line (RW), HG Coating Line (HG), Compact Line (C-1), and Compact Line C-2 (C-2). Condition 4.1.1 of 2016 Title V permit No. 97060012 identifies each coating line as an emission unit.

39. Eakas’ L, RW, C-1, C-2, and HG coating line emission units are subject to the Volatile Organic Material Requirements in Condition 4.1.2.d.i.A, which states “no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source” according to the Illinois SIP at 35 IAC 215.301.

40. EPA sent a Request for Information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), dated January 29, 2021, to Eakas on February 3, 2021 (EPA’s Information Request).

41. Eakas submitted an initial response to EPA's Information Request on April 8, 2021 and submitted additional responses on April 21, 2021 and May 5, 2021. Eakas submitted additional information by email on April 27, 2021, June 4, 2021, and November 8, 2021. EPA reviewed the documents and follow-up emails provided by Eakas.

42. Eakas' June 4, 2021 email in response to Question 2 of EPA's Information Request provided information of maximum hourly (lbs/hr) VOM emission rates on the L, RW, C-1, C-2, and HG coating lines when using photochemically reactive material. Eakas updated its analysis on February 14, 2022 to more closely reflect its actual emissions by taking into account paint color changes and downtime for changes. Based on the information provided in this response, the maximum uncontrolled hourly VOM emission rate from each coating line are as follows:

Coating Line	Maximum Calculated Hourly VOM emission rate (lb/hr)
L	40.99
RW	17.14
C-1	13.37
C-2	13.41
HG	4.15

43. In its April 8, 2021 response to Question 1(a) of EPA's Information Request asking for records pursuant to Condition 4.1.2.d.ii.H of the 2016 Title V Permit (Records of VOM emissions from each coating line in tons per month and tons per year, with supporting documentation), Eakas provided Exhibit A, which combined VOM emissions from the L and RW coating lines rather than report each line separately.

44. Eakas stated in its April 8, 2021 response to Question 4 of EPA's Information Request that Eakas has not used Condition 4.1.2.d.i.B as its compliance option for any emission source during the period of January 1, 2017 to the date of the response.

45. As laid out in the submissions referenced in Paragraph 42 and the maximum VOM emission rates laid out in Paragraph 43, Eakas' actual hourly VOM emission rates at the L, RW, C-1, C-2 and HG lines have exceeded the amount that Eakas has calculated to be the maximum possible rate for each line. Therefore, Eakas has not correctly calculated the maximum potential hourly organic material emissions from the C-1 line, the C-2 line, or the HG line as required by Condition 4.1.2.d.ii.E.1 of the 2016 Title V Permit.

46. Eakas provided an initial response to Question 2 of EPA's Information Request (maximum hourly VOM emission rates for each emission source) on April 8, 2021. After some follow-up questions by EPA, Eakas provided an updated response via email on June 4, 2021.

47. Based on the two submissions, EPA believes that prior to Eakas' June 4, 2021 update, Eakas' records of the maximum potential VOM emission rate were not accurately reflecting the application of the material with the addition of solvent or other materials, as it is applied in the process.

E. Alleged Violations of Law

48. From June 30, 2019 to present, Eakas violated 35 IAC 215.301 of the Illinois SIP and Condition 4.1.2.d.i.A of the Facility's Title V Permit at its L, RW, C-1 and C-2 Lines.

49. From June 30, 2019 to January 1, 2025, Eakas violated Condition 4.1.2.d.ii.H of the Facility's Title V Permit at the L and RW Lines, in violation of Section 502(a) of the CAA and 40 C.F.R. § 70.7(b).

50. From June 30, 2019 to June 4, 2021, Eakas violated Condition 4.2.d.ii.E.1 of the Facility's Title V Permit at the L, RW, C-1 and C-2 Lines, in violation of Section 502 of the CAA and 40 C.F.R. § 70.7(b).

51. From June 30, 2019 to June 4, 2021, Eakas violated Condition 4.1.2.d.ii.C.1 of the Facility's Title V Permit the L, RW, C-1 and C-2 Lines, in violations of Section 502(a) of the CAA and 40 C.F.R. § 70.7(b).

F. Terms of Consent Agreement

52. For the purposes of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
- b. admits to the stipulated facts stated above and neither admits nor denies the alleged violations of law stated above;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to any conditions specified in this CAFO;
- e. waives any right to contest the alleged violations of law set forth in Section E of this CAFO;
- f. waives its right to request a hearing as provided at 40 C.F.R. § 22.159(c); and
- g. waives its right to appeal this CAFO.

53. For the purposes of this proceeding, Respondent:

- a. agrees this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges this proceeding constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. 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 any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1); waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for noncompliance, and agrees that federal law shall govern in any such civil action; and
- d. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury

trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

54. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, and Respondent's cooperation, the EPA has determined that an appropriate civil penalty to settle this action is \$520,200.

55. Respondent agrees to pay a civil penalty in the amount of \$520,200 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

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

57. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, CAA-05-2025-0035,
- 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 (E-19J)
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
R5airenforcement@epa.gov

James Bonar-Bridges
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
BonarBridges.James@epa.gov

Louise Gross
Office of Regional Counsel

U.S. Environmental Protection Agency, Region 5
Gross.Louise@epa.gov

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.

58. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7413(d)(5), 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, the EPA is authorized to recover, in addition to the amount of the unpaid 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. Per 42 U.S.C. § 7413(d)(5), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- 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, the 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 charges 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 payment penalty 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.

59. 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, the EPA may take additional actions. Such actions the 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. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

60. 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.

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

62. 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 does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

63. By signing this CAFO, Respondent consents to the release of any information in this CAFO to the public and agrees (that?) this CAFO does not contain business information that is entitled to confidential treatment under 40 C.F.R. Part 2.

64. By signing this CAFO, the undersigned representative of the EPA and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into

the terms and conditions of this CAFO and have the legal capacity to bind the party they represent to this CAFO.

65. By signing this consent agreement, Respondent waives any rights or defenses that it has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

66. By signing this CAFO, Respondent certifies the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that, under 18 U.S.C. § 1001, there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information.

67. Each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding, except in the case of a civil action brought by the Attorney General of the United States to recover unpaid penalties as described above.

G. Effect of Consent Agreement and Attached Final Order

68. The parties consent to service of this CAFO by e-mail at the following e-mail addresses: bonarbridges.james@epa.gov and gross.louise@epa.gov (for the EPA), and melissa.brown@heplerbroom.com (for Respondent).

69. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged in this CAFO.

70. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties

with respect to this matter with the exception of the administrative compliance order, docket number EPA-5-21-113(a)-IL-5 issued concurrently.

71. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties and approval of the Regional Judicial Officer.

72. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$121,275 per day per violation, or both, as provided in Section 113(b) of the CAA, 42 U.S.C. § 7413(b), and 40 C.F.R. § 19.4, as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

73. Nothing in this CAFO relieves Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor does it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor is it a ruling on, or determination of, any issue related to any federal, state, or local permit.

74. Nothing in this CAFO limits the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

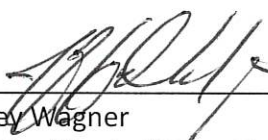
75. The EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA, and to assess and collect any civil penalties permitted by statute for any violation described herein. The EPA will give Respondent written notice of its intent to revoke this CAFO, which will not be effective until received by Respondent.

H. Effective Date

76. This CAFO will be effective after the Regional Judicial Officer executes the attached Final Order, on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

Eakas Corporation, Respondent

5.19.2025
Date



Jeffrey Wagner
Vice President of Operations
Eakas Corporation

United States Environmental Protection Agency, Complainant

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Eakas Corporation
Docket No. CAA-05-2025-0035

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.

Date

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