

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

FILED

Aug 31, 2026

12:11 pm

U.S. EPA REGION 5
HEARING CLERK

In the Matter of:	)	
	)	Docket No. CAA-05-2026-0035
Detroit Diesel Corporation	)	Proceeding to Assess a Civil Penalty
Detroit, MI,	)	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) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.1(a)(2), 22.13(b) and 22.18(b).

2. Complainant is the U.S. Environmental Protection Agency (EPA), Region 5. 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 Detroit Diesel, a corporation doing business in Michigan. 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) pursuant to 40 C.F.R. § 22.18(b)(2) and (3) 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 alleged violations that 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 April 16, 2024, the EPA issued to Respondent a Notice of Violation (NOV) and provided a copy of the NOV to EGLE, providing notice to Respondent Detroit Diesel and EGLE 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 August 7, 2024, representatives of Respondent and the EPA conferred regarding the 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

Michigan State Implementation Plan

10. Under Section 109(a) of the CAA, 42 U.S.C. § 7409(a), EPA must promulgate national ambient air quality standards for ground-level ozone, fine particulates, lead, nitrogen dioxide, carbon monoxide, and sulfur dioxide.

11. Under Section 110 of the CAA, 42 U.S.C. § 7410, each state must submit to the Administrator of EPA a plan for implementing, maintaining, and enforcing the national ambient air

quality standards promulgated by EPA pursuant to Section 109(a), for the Administrator's approval. These plans are referred to as "State Implementation Plans."

12. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), provides that when the EPA finds that any person is in violation of an approved SIP, EPA shall notify the person and the State of such finding, and may issue an Order requiring compliance with such SIP.

13. On June 1, 2006, EPA approved revisions to Michigan's Emission Limitations and Prohibitions – Particulate Matter SIP rules, including Mich. Admin. Code R. 336.1301, as part of the federally enforceable Michigan SIP. *See* 71 Fed. Reg. 31,093 (June 1, 2006).

14. Mich. Admin. Code R. 336.1301(1) generally prohibits visible emissions exceeding 20 percent opacity over a 6-minute average, except for one 6-minute average per hour of not more than 27 percent opacity.

15. Michigan Admin. Code R. 336.1301(2) states that the opacity requirements of R. 336.1301(1) shall not apply to any process or process equipment for which fugitive visible emission limitations are specified in any other administrative rule issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

16. Michigan Admin. Code R. 336.1301(3) states that the requirements of R. 336.1301(1) shall not apply to visible emissions due to uncombined water vapor.

17. Michigan Admin. Code R. 336.1301(4) states that EGLE may establish an alternate opacity limit upon request by the owner of the process or process equipment.

18. Michigan Admin. Code R. 336.1116(h) of the Michigan SIP defines a "person" as any of the following: an individual person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government

corporation, municipal corporation, city, county, municipality, district, or other political subdivision, department, bureau, agency, or instrumentality of federal, state, or local government.

19. Michigan Admin. Code R. 336.1116(q) of the Michigan SIP defines a “process” as an action, operation, or series of actions or operations at a source that emits or has the potential to emit an air contaminant.

20. Michigan Admin. Code R. 336.1116(r) of the Michigan SIP defines “process equipment” as all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.

21. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a SIP, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated in the SIP, is a violation of a requirement of the applicable SIP and subject to enforcement action under Section 113 of the CAA.

Michigan Title V Program

22. EPA granted interim approval of the Michigan Title V program on January 10, 1997, effective on February 10, 1997. *See* 62 Fed. Reg. 1387 (Jan. 10, 1997). EPA fully approved the Michigan Title V program on December 4, 2001, effective on November 30, 2001. *See* 66 Fed. Reg. 62,949 (Dec. 4, 2001). The Michigan regulations governing the Title V permit program have been incorporated into the federally approved Michigan SIP. *See* 83 Fed. Reg. 44485 (August 31, 2018).

23. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661b(a), “[a]fter the effective date of any permit program approved or promulgated under this subchapter, it shall be unlawful for any person to violate any requirement of a permit issued under this subchapter.”

D. Stipulated Facts

24. Detroit Diesel owns and operates a vehicle engine manufacturing facility at 13400 Outer Drive West in Detroit, Michigan (Facility). On July 25, 2022, EGLE issued a Renewable Operating Permit (MI-ROP-A8638-2022) to Detroit Diesel under Title V of the Clean Air Act and a Source-Wide Permit to Install (MI-PTI-A8638-2022) (2022 Air Permit).

25. Condition A.11. of the 2022 Air Permit states that Detroit Diesel shall comply with R 336.1301(1).

26. The 2022 Air Permit does not specify any other applicable visible emission requirements for the M-11 stack, and emissions from the M-11 stack result from the combustion of engine fuel and are not expected to contain uncombined water vapor.

27. Condition A.23. of the 2022 Air Permit requires Detroit Diesel to submit certified semi-annual (or more frequent, if specified) reports of any required monitoring and all instances of deviations from Permit requirements during the reporting period to the appropriate Michigan Department of EGLE Air Quality Division District Office.

28. On October 24, 2022, EPA conducted a Clean Air Act inspection of the Facility (2022 Inspection).

29. During the 2022 Inspection, EPA observed visible emissions from the production engine stack (M-11 Stack). EPA also observed emissions trailing and sinking from the M-11 Stack with an optical gas imaging (OGI) camera.

30. During the 2022 Inspection, Facility representatives informed EPA that visible emissions are typically observed from the M-11 Stack. Facility representatives also stated that they did not believe that the typically observed visible emissions exceeded 20% opacity.

31. During the 2022 Inspection, Facility representatives informed EPA that the Facility does not routinely conduct opacity inspections at the M-11 Stack.

32. During the 2022 Inspection, Facility representatives informed EPA that emissions from the M-11 Stack are uncontrolled per the Facility's operating permit.

33. On July 5, 2023, EPA issued a Section 114 Information Request to Detroit Diesel (2023 Information Request).

34. The Information Request included a requirement to install a continuous opacity monitoring system (COMS) on the M-11 Stack and to record opacity from the M-11 Stack with the COMS for a continuous 30-day test period.

35. On November 20, 2023, a Detroit Diesel representative informed EPA that the COMS test would occur during routine production.

36. Detroit Diesel performed the continuous 30-day portion of the COMS test at the M-11 Stack between December 2, 2024 and December 31, 2024. On January 25, 2024, Detroit Diesel submitted the results of the COMS test to EPA.

37. The COMS test results state that the COMS was installed and certified in accordance with the requirements of Performance Specification 1 – Specifications and Test Procedures for Continuous Opacity Monitoring Systems in Stationary Sources, found at 40 C.F.R. Part 60, Appendix B (Performance Specification 1).

38. Detroit Diesel provided EPA with evidence that the requirements of Performance Specification 1 were met during the COMS test, including but not limited to, the manufacturer's certificate of conformance for the COMS used during the test, the monitoring pathlength, the sampling location, field audit test results, operational test period results, and all calibration results during the COMS test.

39. The COMS test results state that no errors occurred during the COMS test, and no deviations from the reference test methods occurred during the certification testing or the 30-day COMS test.

40. The COMS test results show that between December 4, 2023, to December 21, 2023, emissions to the M-11 Stack produced 16 6-minute average opacity measurements that exceeded 27%. These measurements are summarized in the table below:

Date	Time (ET)	Opacity (%)
December 4, 2023	5:06 to 5:11 AM	32.48
December 5, 2023	7:06 to 7:11 AM	36.28
December 10, 2023	11:06 to 11:11 PM	47.56
December 10, 2023	11:12 to 11:17 PM	41.10
December 10, 2023	11:18 to 11:23 PM	39.24
December 10, 2023	11:24 to 11:29 PM	31.09
December 11, 2023	7:48 to 7:53 AM	27.26
December 15, 2023	7:12 to 7:17 PM	32.92
December 15, 2023	7:42 to 7:47 PM	51.55
December 17, 2023	11:12 to 11:17 PM	30.08
December 18, 2023	12:54 to 12:59 PM	31.94
December 18, 2023	4:18 to 4:23 PM	28.26
December 18, 2023	4:30 to 4:35 PM	32.47
December 20, 2023	7:54 to 7:59 PM	33.12
December 21, 2023	10:36 to 10:41 AM	31.45
December 21, 2023	10:42 to 10:47 AM	47.14

E. Allegations

COUNTS ONE THROUGH SIXTEEN: FAILURE TO OPERATE PROCESSES IN COMPLIANCE WITH THE VISIBLE EMISSION REQUIREMENTS OF THE MICHIGAN STATE IMPLEMENTATION PLAN

41. Complainant incorporates Paragraphs 1 through 40 of this CAFO as if set forth in this Paragraph.

42. Michigan Admin. Code R. 336.1301(1) prohibits any person from discharging visible emissions from a process or process equipment exceeding 20 percent opacity over a 6-minute average, except for one 6-minute average per hour of not more than 27 percent opacity.

43. Condition A.11. of the 2022 Air Permit incorporates the Michigan SIP requirement at Mich. Admin. Code R. 336.1301(1).

44. Respondent is a corporation and is a “person” under Mich. Admin. Code R. 336.1116(h).

45. Respondent’s engine production line at the Facility, which emits air contaminants to the atmosphere (including, but not limited to, particulate matter, NO_x, and hydrocarbons) meets the definition of “process” under Mich. Admin. Code R. 336.1116(q).

46. The M-11 Stack at the Facility meets the definition of “process equipment” under Mich. Admin. Code R. 336.1116(r). Detroit Diesel is therefore required to comply with R 336.1301 at the Facility’s M-11 stack. Condition A.11. of the 2022 Air Permit states that Detroit Diesel shall comply with Mich Admin. Code R. 336.1301(1).

47. Michigan Admin. Code R. 336.1301(2) – (4) provide exemptions to the visible emission limitations in R. 336.1301(1), none of which apply here. The 2022 Air Permit does not specify any other applicable visible emission requirements for the M-11 Stack, and emissions from the M-11 stack result from the combustion of engine fuel and are not expected to contain uncombined water vapor.

48. On sixteen separate occasions from December 4, 2023, to December 21, 2023, Respondent’s visible emissions from the M-11 Stack at its Facility exceeded 27% opacity over a 6-minute average.

49. By allowing visible emissions exceeding 27% opacity from the M-11 Stack, Respondent violated Mich. Admin. Code R. 336.1301(1) and Condition A.11. of the 2022 Air Permit on 16 occasions.

COUNTS SEVENTEEN THROUGH THIRTY-TWO: FAILURE TO REPORT PERMIT DEVIATIONS

50. Complainant incorporates Paragraphs 1 through 40 of this CAFO as if set forth in this Paragraph.

51. Condition A.23. of the 2022 Air Permit requires Respondent to submit certified semi-annual (or more frequent, if specified) reports of any required monitoring and all instances of deviations from Permit requirements during the reporting period to the appropriate Michigan Department of EGLE Air Quality Division District Office.

52. Condition A.11. of the 2022 Air Permit incorporates the Michigan SIP requirement at Mich. Admin. Code R. 336.1301(1).

53. On March 12, 2024, Detroit Diesel submitted the semi-annual report required under their 2022 Air Permit for the period July 2023 through December 2023 to EGLE. Detroit Diesel shared this report with EPA on March 20, 2024.

54. Respondent did not report the opacity exceedances identified in COUNTS ONE THROUGH SIXTEEN above as deviations of its 2022 Air Permit opacity limit at Condition A.11. in the semi-annual report submitted for July 2023 through December 2023.

55. By failing to report the opacity limit exceedances as deviations of its 2022 Air Permit opacity limit in its semi-annual report for July 2023 through December 2023, Respondent violated Condition A.23. of its 2022 Air Permit.

F. Terms of Consent Agreement

56. For the purposes of this proceeding, Respondent:

- a. admits to the jurisdictional allegations in this CAFO;
- b. neither admits nor denies the allegations stated in Section E of this CAFO;
- 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 allegations set forth in Section E of this CAFO;
and
- f. waives its right to appeal this CAFO.

57. 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);
- d. waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c);
- e. 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; and
- f. 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.

58. 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 \$125,397.

59. Respondent agrees to pay a civil penalty in the amount of \$125,397 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Consent Agreement is filed with the Regional Hearing Clerk ("Filing Date"). 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>.

60. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CAFO, CAA-05-2026-0035,
- 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 Bridges
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
bonarbridges.james@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, 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.

61. 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 CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately owing, and the EPA is authorized to recover 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. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

62. 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 CAFO, 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 enforce the Final Order and 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 and Final Order shall not be subject to review.

63. 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.

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

65. 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 Consent 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.

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

67. 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 authority to bind the party they represent to this CAFO.

68. 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.

69. 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 Final Order

70. The parties consent to service of this CAFO by e-mail at the following e-mail addresses:

bonarbridges.james@epa.gov (for the EPA), and michele.buckler@daimlertruck.com and collinsp@millercanfield.com (for Respondent).

71. 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 specifically alleged in this CAFO.

72. 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-5-26-113(a)-MI-2, issued concurrently.

73. 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.

74. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, authorized representatives, successors, and assigns.

75. Any violation of this CAFO may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 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.

76. 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.

77. 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.

78. 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

79. This CAFO will be effective on the date of filing with the Regional Hearing Clerk. Upon filing, the EPA will transmit a copy of the filed CAFO to Respondent.

Consent Agreement in the Matter of Detroit Diesel Corporation, Docket No. CAA-05-2026-0035
Detroit Diesel Corporation, Respondent

8/13/26
Date


Matthew Pfaffenbach
Head of Operations
Detroit Diesel

Consent Agreement in the Matter of Detroit Diesel Corporation, Docket No. CAA-05-2026-0035
United States Environmental Protection Agency, Complainant

CAROLYN
PERSOON

Digitally signed by
CAROLYN PERSOON
Date: 2026.08.31
07:49:39 -05'00'

Carolyn Persoon
Division Director
Enforcement and Compliance Assurance Division
U. S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Detroit Diesel Corporation
Docket No. CAA-05-2026-0035

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.

Digitally signed
by ANN COYLE
Date: 2026.08.31
10:38:09 -05'00'

Date

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