



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-05-2026-0005, NPDDES No. ILP000323 Penalty

Amount: \$4,050, Inspection Date: January 29, 2025

Yetter Manufacturing Co., Inc. ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Worksheet" ("Settlement Worksheet"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the alleged violations specified in the Settlement Worksheet.

Respondent failed to comply with Section 307 of the Act, 33 U.S.C. § 1317, and certain regulations at 40 C.F.R. Part 403.

EPA finds, and Respondent admits, that Respondent is subject to Section 307 of the Act, 33 U.S.C. § 1317 and the regulations at 40 C.F.R. Part 403 and that EPA has jurisdiction and authority to enforce pretreatment requirements against industrial users. Respondent neither admits nor denies the alleged violations specified in the Settlement Worksheet or this Consent Agreement and Final Order ("Agreement").

EPA is authorized to enter into this Agreement under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement to settle the civil violation(s) alleged in this Agreement for a penalty of \$4,050. Respondent consents to the assessment of this penalty and waives the right to: (1) contest the finding(s) specified in the Settlement Worksheet; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8). By signing this consent agreement, Respondent 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.

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>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA's How to Make a](#)

[Payment website](#) and will not pay with a paper check.

Respondent agrees that consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), it will not deduct the penalties paid under this Agreement for federal tax purposes.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations identified in the Settlement Worksheet have been corrected. Respondent shall submit a written report and other documentation with this Agreement detailing the specific actions taken to correct the alleged violations cited herein. This documentation may include monitoring, inspection and maintenance reports, documentation of corrective actions, certification records, and other records required for compliance with permit documentation and recordkeeping conditions.

This Agreement settles EPA's civil penalty claims against Respondent for the alleged Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected alleged violation(s) described in the Settlement Worksheet. EPA has determined this Agreement to be appropriate.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide a copy of the Agreement to the state of Illinois for the purposes of consultation with Illinois on the appropriateness of this Agreement. EPA will also provide public notice of this Agreement and a reasonable opportunity for public comment on it. EPA will address any comments on the Agreement in accordance with section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and 40 CFR §§ 22.38 and 22.45.

This Agreement is binding on the parties signing below and becomes final 30 days from the date it signed is by the Regional Judicial Officer, unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1391(g)(5), following public notice of this Agreement.

APPROVED BY RESPONDENT:

Name (print): Derek Litchfield

Title (print): VP of Manufacturing & Engineering

Signature:  Date: 1/14/2026

APPROVED BY EPA:

Carolyn Persoon
Enforcement and Compliance Assurance Division

Date: _____

More than 40 days have elapsed since providing the Agreement to Illinois and the issuance of public notice pursuant to Section 309(g)(1) and (4)(A) of the Act, 33 U.S.C. § 1319(g)(1) and (4)(A), and EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law,
IT IS SO ORDERED:

Date: _____

Regional Judicial Officer

Region 5

U.S. Environmental Protection Agency

Expedited Settlement Offer Worksheet
Violations Form For Wastewater

Version 2 (updated August 2025)



Consult instructions regarding eligibility criteria and procedures prior to use.

| | | | | |
|---|---|--|--|------|
| LEGAL NAME AND MAILING ADDRESS OF RESPONSIBLE ENTITY | | NPDES Permit Number | | |
| 1 | Yetter Manufacturing Co., Inc. | | Permit Effective Date: _____ | |
| | | | Permit Expiration Date: _____ | |
| LOCATION AND ADDRESS OF FACILITY | | EPA Contact Name: Newton Ellens | | |
| 2 | 1270 E. Hemp St. Macomb, Illinois 61455 | | EPA Contact Title: Pretreatment Program Manager | |
| | | | EPA Office: Region 5 | |
| FACILITY DESCRIPTION / CONTACT NAMES | | | | |
| 3 | Name of Facility Contact (ESO Worksheet recipient): _____ | | | |
| | | | Name of Authorized Official (40 CFR 122.22): _____ | |
| | | | Are any findings a result of an inspection? Yes _____ | |
| | | | Inspection Date(s) (if applicable): 01/29/2025 | |
| | | | Name of Receiving Water Body (Indicate whether 303(d) listed): _____ | |
| PRIVATE ENTITY ADJUSTMENT FACTOR | | | | |
| 4 | Is the entity privately owned (i.e., not municipal)? | If yes, adjustment factor of 2.0 is applied. | Yes | 2.0 |
| FLOW ADJUSTMENT FACTOR | | | | |
| 5 | Select the appropriate average volume of flow on a day of discharge in millions of gallons per | | | |
| | A <0.050 mgd (no adjustment is applied) | No adjustment factor is applied. | X | 0.0 |
| | B ≥0.050 mgd and <0.250 mgd | Adjustment factor of 1.5 is applied. | | |
| | C ≥0.250 mgd and <1 mgd | Adjustment factor of 3.0 is applied. | | |
| | D ≥1 mgd and <5 mgd | Adjustment factor of 6.0 is applied. | | |
| | E ≥5 mgd and <10 mgd | Adjustment factor of 10.0 is applied. | | |
| | F ≥10 mgd and <50 mgd | Adjustment factor of 15.0 is applied. | | |
| | G ≥50 mgd | Adjustment factor of 20.0 is applied. | | |
| REPEAT VIOLATOR ADJUSTMENT FACTOR | | | | |
| 6 | A How many other state and federal formal enforcement actions has the responsible entity been subject to in the last three years? Include enforcement actions at this facility and any other facilities. | For each enforcement action, adjustment factor is increased 50%. | 0 | 1.0 |
| | | | TOTAL ADJUSTMENT FACTOR | 2.00 |
| Notes: * RCA = Requires Corrective Action | | | | |
| MONITORING / REPORTING | | Violation(s) / Corrective Action(s) | | |
| CWA / Permit | R No. of | Dollar | | |
| Citation | C Viol- | Amount | | |
| A* actions | w/ Adjust. | Factor | | |
| | | Total | | |
| ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer. | | | | |
| 7 | Failure to submit compliance schedule report: | | | |
| | A Late but less than 30 days late | \$100 | = _____ | |
| | B Submitted more than 30 days late | \$150 | = _____ | |
| | C Not submitted | \$300 | = _____ | |
| 8 | Failure to submit timely discharge monitoring report (DMR) and/or DMR submitted with failure to conduct self-monitoring: | | | |
| | A DMR late but less than 30 days late | \$100 | = _____ | |
| | B DMR submitted more than 30 days late | \$150 | = _____ | |
| | C DMR not submitted or DMR submitted with a failure to sample pollutants - conventional pollutants (count each conventional pollutant not reported or not sampled as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform) | \$150 | = _____ | |

| EFFLUENT LIMITATIONS | | ESA eligible if violations occurred within the 12 months immediately prior to the ESA offer. | | | | |
|--|---|--|--|--|-------|-----|
| 19 | Failure to meet effluent limitations: | | | | | |
| | A Months with effluent exceedance less than 40% above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform) | | | | \$100 | = |
| | B Months with effluent exceedance 40% or more above the limit - conventional pollutants (count each conventional pollutant separately as a violation; BOD, TSS, pH, oil and grease, e. coli, fecal coliform) | | | | \$150 | = |
| | C Months with effluent exceedance less than 20% above the limit - toxic pollutants (count each toxic pollutant separately as a violation) | | | | \$200 | = |
| | E Months with effluent exceedance 20% or more above the limit - toxic pollutants (count each toxic pollutant separately as a violation) | | | | \$400 | = |
| Subtotal Effluent Limitations Violations | | | | | | \$0 |

ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer

| | | | | | | | | |
|----|--|--|--|--|--|------|---|--|
| 20 | Failure to create/maintain sampling and/or analysis records (count each month with one or more failure) | | | | | \$80 | = | |
| 21 | Failure to maintain other records required by the permit (count each month with one or more failure excluding records not maintained in #22) | | | | | \$50 | = | |

Subtotal Records Violations

\$0

| EPA/STATE CONTROLLED INDUSTRIAL USERS | | ESA eligible if violations occurred within the 60 months immediately prior to the ESA offer. | | | | | |
|--|--|--|---|-----|----|---------|---------|
| 22 | Industrial user's discharge to a POTW that contributed to interference with its operations, or pass-through of treatment (General Prohibition, duration </= 7 days). | | 40 CFR 403.5(a) | Yes | | \$8,600 | = |
| 23 | Industrial user's discharge to a POTW that violated one or more national Specific Prohibitions, elevating risks. | | 40 CFR 403.5(b) | Yes | | \$7,500 | |
| 24 | Categorical Industrial User (new source) began discharging wastewater to a POTW without all pretreatment equipment necessary to meet applicable standards fully installed and in operating condition (duration </= 90 days). | | 40 CFR 403.6(b) | Yes | | \$710 | |
| 25 | Dilution of a discharge by an Industrial User to meet standards or requirements in lieu of operating adequate pretreatment equipment (unwillful violation; duration </= 90 days). | | 40 CFR 403.6(d) | | | \$700 | |
| 26 | Any Industrial User's discharge exceeding/failing an applicable pretreatment standard or requirement (other than 403.5(a/b)), and qualifying as industrial user significant noncompliance (SNC) under 40 CFR 403.8(f)(2)(viii)(H). | According to a 7/1/24 periodic monitoring report, Yetter's discharge had a concentration of 2.4 mg/L. This exceeds the monthly average listed in 40 C.F.R. § 433.17 (1.48 mg/L). | See 40 CFR 403.5(d) and 403.8(f)(2)(viii)(H) | No | 1 | \$250 | \$250 |
| 27 | Significant Industrial User's discharge exceeding/failing an applicable pretreatment standard or requirement (other than 403.5(a/b)), but not qualifying as industrial user SNC. | | See 40 CFR 403.5(d) and 403.8(f)(2)(viii) | | | \$150 | |
| 28 | Non-Significant Industrial User's discharge exceeding/failing an applicable pretreatment standard or requirement (other than 403.5(a/b)), but not qualifying as industrial user SNC. | | See 40 CFR 403.5(d) and 403.8(f)(2)(viii) | | | \$100 | |
| 29 | Categorical Industrial User's submission of a 403.12(b) baseline report (and/or equivalent permit application content as control authority may allow) > 180 days after the effective date of the standards (existing source), or < 90 days prior to commencing discharge to a POTW (new source). | | 40 CFR 403.12(b) | | | \$200 | |
| 30 | Categorical Industrial User's submission of a 403.12(d) 90-day compliance report (and/or equivalent permit report as may be required by control authority) > 90 days after the final compliance date (existing source) or > 90 days after commencing discharge to a POTW (new source). | | 40 CFR 403.12(d) | | | \$200 | |
| 31 | Categorical Industrial User's late or incomplete submission of 403.12(e) periodic reports due in July and December (or as more frequently required by control authority). | | 40 CFR 403.12(e) | | | \$200 | |
| 32 | Any Industrial User's failure to self-monitor as required by 403.12(h), or failure to follow 403.12(g) procedures for valid collections, analyses, and resamplings. | Periodic monitoring reports (dated 7/22/25, 4/16/25, 1/6/25, 10/3/24, 7/1/24, 8/23/23, 7/5/23, and 2/24/23) show laboratory results with high reporting levels for volatile organic compounds and semi-volatile organic compounds. Sample analysis reports (dated 4/4/24, 11/2/23, and 11/14/22) show laboratory results with high reporting levels for semi-volatile organic compounds. These violations require corrective action. Chain of custody records in self-monitoring reports (dated 10/3/24, 7/1/24, 4/4/24, 11/2/23, 8/23/23, 7/5/23, 2/24/23, and 11/14/22) show that the sampler collected grab samples for semi-volatile organics analysis. These violations do not require corrective action. | 40 C.F.R. § 403.12(g)(5), 40 C.F.R. § 136.7, and 40 C.F.R. § 403.12(g)(3) | Yes | 19 | \$200 | \$3,800 |

| | | | | | | |
|------------------------------------|---|--|---|--|-------|---|
| 33 | Any Industrial User's late or incomplete submission of required notifications or certifications. | | 40 CFR 403.12(c)(3), (f), (j), (l), (p)(4), and/or (q) | | \$100 | |
| 34 | Any Industrial User's failure to submit required notifications or certifications. | | 40 CFR 403.12 (c)(3), (f), (j), (l), (p)(4) and/or (q) | | \$700 | |
| 35 | Any Industrial User's failure to retain documentation of a monitoring activity in cases where the results are known and documentation can be later obtained from a second party off-site. | | 40 CFR 403.12(o) | | \$100 | |
| 36 | Any Industrial User's late or incomplete notification of discharging to a POTW in a calendar month >= 15 kg (33 lbs) of a substance, which, if otherwise disposed of, would be a non-acute hazardous waste under 40 CFR Part 261. | | See 40 CFR 403.12(p)(2), for <u>non-acute hazardous wastes only</u> | | \$200 | |
| Subtotal Records Violations | | | | | | \$4,050 |
| ECONOMIC BENEFIT ESTIMATE | | ESA eligible if estimated economic benefit of noncompliance is less than total ESA offer. | | | | |
| 37 | Enter total estimate economic benefit calculated rounded up to the nearest \$50 | | | | | ESA eligible |
| | | | | | | Total Expedited Settlement \$4,050 |