



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
US EPA Region 5 77 West Jackson Boulevard Chicago, IL 60604
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-05-2026-0016, NPDES No. ILP000505

Penalty Amount: \$3,978 Inspection Date: February 10, 2025

Elite Powder Coating & Technologies, LLC. ("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 the condition(s) or limitation(s) of a duly issued permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." 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 \$3,978. 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 payment 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): Doug Giles

Title
(print): President Elite Powder Coating

Signature: Doug Giles Date: 6-10-26

APPROVED BY EPA:

Carolyn Persoon
Division Director

U.S. EPA, Region 5, Enforcement and Compliance Assurance Division

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:

Ann Coyle
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	Elite Powder Coating & Technologies, LLC. 103 Norb Avenue Dieterich, IL 62424	ILP000505	
		Permit Effective Date:	04/30/2023
		Permit Expiration Date:	
LOCATION AND ADDRESS OF FACILITY		EPA Contact Name:	
2	103 Norb Avenue Dieterich, IL 62424	Eric Small	
		EPA Contact Title: Physical Scientist	
		EPA Office: Region 5	
FACILITY DESCRIPTION / CONTACT NAMES			
	Name of Facility Contact (ESO Worksheet recipient): Doug Giles		
	Name of Authorized Official (40 CFR 122.22): Doug Giles		
	Are any findings a result of an inspection? Yes		
	Inspection Date(s) (if applicable): 02/10/2025		
3	Name of Receiving Water Body (Indicate whether 303(d) listed): Unnamed Tributary of Big Muddy Creek - No 303(d) listing		
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
	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.	
			0.0
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

		Violation(s) / Corrective Action(s)	CWA / Permit Citation	R C A*	No. of Viol- actions	Dollar Amount w/ Adjust. Factor	Total
MONITORING / REPORTING		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 =	
D	DMR not submitted or DMR submitted with a failure to sample pollutants - toxic pollutants (count each toxic pollutant not reported or not sampled as a violation)					\$150 =	
9	Failure to conduct self-monitoring in accordance with permit requirements, including but no limited to required sample type, sample location, representative sampling, meeting 40 CFR 136 or other permit requirements (count each pollutant with one or more failures)					\$50 =	
10	Failure to submit any other required report or notice (e.g., biosolids report, pretreatment report, industrial user notification, planned changes, anticipated noncompliance, anticipated bypass, etc.):	Elite Powder Coating has not submitted periodic reports to the Control Authority due in June 2023, December 2023, June 2024, December 2024, June 2025, and December 2025 as required by 40 CFR 403.12(e).	40 CFR 403.12(e)				
A	Late but less than 30 days late					\$100 =	
B	Submitted more than 30 days late					\$150 =	
C	Not submitted			Yes	6	\$300 =	\$1,800
11	24-Hour Noncompliance Notice						
A	Failure to provide notice of noncompliance					\$150 =	
B	Noncompliance notice late					\$100 =	
12	5-Day Written Noncompliance Follow-up Report:						
A	Failure to provide report					\$150 =	
B	Report provided late and/or incomplete					\$100 =	
13	Noncompliance Not Required Within 24 Hours:						
A	Failure to provide report with DMR					\$50 =	
B	Report provided late and/or incomplete					\$20 =	
Subtotal Monitoring / Reporting Violations							\$1,800

OPERATIONS AND MAINTENANCE		ESA eligible if violations occurred within the 24 months immediately prior to the ESA offer.					
14	Failure to conduct and document self-inspections of facility (count each month with one or more missed and/or undocumented inspection)					\$80 =	
15	Failure to document all required information in self-inspections or conduct a complete inspection (count each month with one or more partially documented/completed inspection unless the month is accounted for in #15)					\$40 =	
16	Failure to identify and document corrective actions					\$40 =	
17	Failure to meet operation and maintenance requirement of the permit					\$200 =	
18	Failure to manage removed substances in accordance with the permit					\$500 =	
Subtotal Operations and Maintenance Violations						\$0	
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	
RECORDS		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)			\$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)			\$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)			\$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).		See 40 CFR 403.5(d) and 403.8(f)(2)(viii)(H)			\$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).	Elite Powder Coating has not completed a baseline monitoring report and submitted it for review and approval by EPA.	40 CFR 403.12(b)	Yes	1	\$200	\$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.		40 CFR 403.12(g) and/or (h)			\$200	
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							\$200
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	1978	ESA eligible				
Total Expedited Settlement							\$3,978