



## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On January 16, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Columbia in the lawsuit entitled *United States v. Fayat S.A.S., et al.*, Civil Action No. 1:25-cv-120.

The United States filed a Complaint, on behalf of the United States Environmental Protection Agency, against Fayat S.A.S. and its subsidiaries BOMAG GmbH, BOMAG Americas, Inc., BOMAG (China) Construction Machinery Co., Ltd., MARINI S.p.A., RAVO B.V., Charlotte of America, Inc., PTC S.A.S., Secmair S.A.S., and MATHIEU S.A. alleging violations of sections 203(a) and 213(d) of the Clean Air Act, 42 U.S.C. 7522(a) and 7547(d), and implementing regulations, by their importation, introduction into commerce, and sale of nonroad equipment containing diesel engines that were not certified to model year engine emission standards. The Complaint also alleges related violations of labeling and reporting requirements and seeks civil penalties and appropriate injunctive relief.

Under the proposed Consent Decree, the Defendants will pay a civil penalty of \$11,000,000 and will complete a project to mitigate harm caused by excess nitrogen oxide and particulate matter emissions from the noncompliant engines.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Fayat S.A.S., et al.*, D.J. Ref. No. 90-5-2-1-12522. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
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By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Jason A. Dunn,**  
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Environment and Natural Resources Division.*

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