

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-18-8396

Respondents: Hunter Klenz and
Klenz Brothers Diesel, LLC
10093 West Main Street
North East, PA 16428

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondents admit to being subject to the Clean Air Act (CAA) and its associated regulations, and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondents and the Respondents' conduct described in Table 2. Respondents do not contest the findings detailed therein, and waives any objections Respondents may have to the EPA's jurisdiction.
3. Respondents consent to the payment of a penalty in the amount of **\$16,650**, further described in Table 3, attached, incorporated into this Agreement by reference. Respondents agree to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondents certify that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection and the alleged violations set forth in Tables 1 and 2. Upon signing and returning this Agreement to the EPA, Respondents consent to the terms of this Agreement without further notice. Respondents acknowledge this Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:

Date: Aug. 28, 2018

for Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT HUNTER KLENZ:

Name (print): _____

Signature: _____

Date: 9-25-2018

**APPROVED BY RESPONDENT- KLENZ BROTHERS
DIESEL, LLC:**

Name (print):  _____

Title (print): owner _____

Signature:  _____

Date: 9-25-2018 _____

RATIFIED BY EPA:

 _____

Date: Oct. 17, 2018 _____

fa Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
March 27, 2018		C A A - 1 8 - 8 3 9 6	
Inspection Location:		Entry/Inspection Number(s)	
10093 West Main Street			
City:		Inspector(s) Name(s):	
Northeast		Amelie Isin; Gwendolyn Supplee	
State:	Zip Code:	EPA Approving Official:	
PA	16428	Phillip A. Brooks	
Respondents:		EPA Enforcement Contact(s):	
Klenz Brothers Diesel, LLC and Hunter Klenz		David E. Alexander, Attorney (202) 564-2109; Robert Stoltzfus, Attorney (215) 814-2695	

Table 2 - Description of Violations and Vehicles/Engines

Klenz Brothers Diesel, LLC and Hunter Klenz (Respondents) sold, offered for sale, or installed products which render inoperative emission control systems on EPA-certified motor vehicles and motor vehicle engines (defeat devices) in 18 instances from April 22, 2016, until December 20, 2017. The Respondents included some of this information on its Facebook webpage for the business. The EPA has determined that the acts, summarized below, are in violation of Title II of the Clean Air Act (CAA) § 203(a)(3), 42 U.S.C. § 7522(a)(3). As listed below, these violations include the sale, offer for sale, or installation of: (1) engine control module reprogrammers (also known as “tuners”) that disable emission control systems on EPA-certified motor vehicles, such as Exhaust Gas Recirculation (EGR) systems, vehicle engine active fuel management, on-board diagnostic systems, rear oxygen sensors, and/or Diesel Particulate Filter (DPF) systems; (2) EGR deletion kits or components used for the removal or bypass of EGR systems; and (3) exhaust pipe replacement components that delete or bypass aftertreatment emission control devices such as EGR, DPFs and Diesel Oxidation Catalysts (DOC) systems.

Defeat Device Description	Date
EGR Delete on truck	04/22/16
MiniMax Tuner and EGR delete on 6.7 L truck	06/04/16
EGR delete on 6.0 L truck	07/15/16
Full delete and MiniMax Tuner on 6.7 King Ranch Truck	07/20/16
EGR Delete on truck	08/26/16
EGR and DPF Delete on 6.7 L truck	09/13/16
Removal of exhaust with Catalyst; installation of straight pipe	10/21/16
EGR Delete and Custom Tunes (Custom SCR Race Tune) on truck	04/04/17
EGR and DPF delete on 6.7 truck with custom tuning	07/12/17
EGR and DPF delete on 6.7 truck	07/21/17
EGR Delete on truck	07/30/17
EGR and DPF delete on dump truck	08/07/17
Delete Kit and custom tunes for 6.4 Diesel Ford F350	08/12/17
Delete pipe kit on Ford Truck	08/12/17

Defeat Device Description	Date
EGR Delete and SCT Tuner	08/28/17
DPF delete pipe and tunes; Installed EGR delete	09/26/17
EGR Delete on truck	11/17/17
EGR Delete services for vehicles	12/10/17

Table 3 - Penalty and Required Remediation	
Penalty	\$16,650
Required Remediation	In addition to paying the monetary penalty, Respondents must cease and refrain from purchasing, selling, offering for sale, or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle engine regulated by the EPA. Also, Respondents must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines. Toward that end, Respondents agree to comply with the Compliance Plan attached as Appendix A. Respondents shall also ensure that all staff receive a copy of the attached Compliance Plan.