

Enclosure

2019 OCT 31 PM 3: 27

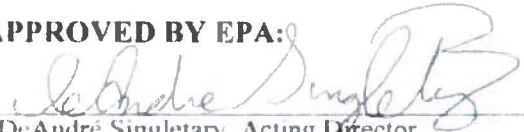
CLEAN AIR ACT VEHICLE AND ENGINE  
EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-07-2019-0267

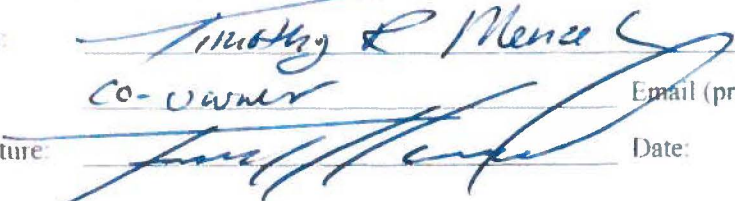
**Respondent:** Menzel Enterprises, Iowa, Inc.  
605 S. 18<sup>th</sup> Street, Suite C  
West Des Moines, Iowa 50265

1. The parties enter into this Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) in order to settle the civil violation(s) discovered as a result of the inspection(s) specified in Table 1, attached, incorporated into this Agreement by reference. The civil violation(s) that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicle(s)/engine(s) specified therein.
2. Respondent admits 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 Respondent and the Respondent's conduct described in Table 2. Respondent neither admits nor denies the findings detailed therein, and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent certifies that payment of the penalty has been made in the amount of **\$11,800** and Respondent has followed the instructions in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, specified in Table 3 and incorporated into this Agreement by reference, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection(s) and alleged violation(s) set forth in Table 1 and Table 2. Respondent acknowledges that this Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Delegated Official's ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

**APPROVED BY EPA:**

 Date: 9/26/19  
 DeAndre Singletary, Acting Director  
 Enforcement and Compliance Assurance Division, EPA Region 7

**APPROVED BY RESPONDENT:**

Name: Timothy R Menzel  
 Title: Co-owner Email (print): Actarkowski@axley.com  
 Signature:  Date: 10-25-19

**RATIFIED BY EPA:**

 Date: 10-28-19  
 DeAndre Singletary, Acting Director  
 Enforcement and Compliance Assurance Division, EPA Region 7

*p.c.  
D.S.  
C.S.*

**Table 1 - Information Collection**

<b>Date(s) Information Collected:</b>		<b>Docket Number:</b>	
5/16/2019 § 208 Information Request		C A A 0 7 2 0 1 9 0 2 6 7	
<b>Respondent Location:</b>			
605 S 18th St., Suite C			
<b>City:</b>		<b>Inspector(s) Name(s):</b>	
West Des Moines			
<b>State:</b>	<b>Zip Code:</b>	<b>EPA Approving Official:</b>	
IA	50265	DeAndré Singletary, Acting Division Director Enforcement and Compliance Assurance Division	
<b>Respondent:</b>		<b>EPA Enforcement Contact(s):</b>	
Menzel Enterprises Ned Lewis Tim Menzel		Lisa Hanlon, Air Branch Enforcement and Compliance Division	

**Table 2 - Description of Violations and Vehicles/Engines**

EPA obtained evidence that Menzel Enterprises, Iowa, Inc. (Respondent) tampered with the vehicle(s)/engine(s) listed below. EPA obtained evidence that Respondent installed defeat devices, products listed below which render inoperative emission control systems on EPA-certified motor vehicles and/or. EPA received a tip through an anonymous complaint that vehicle tampering and installation of defeat devices had occurred. EPA obtained a copy of a workers' compensation claim in which Menzel confirmed the allegations. EPA then issued an information request letter pursuant to CAA §208. Menzel's response confirmed that it removed emissions control devices from six vehicles. It is a violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A) to tamper with EPA-certified vehicles and engines. It is a violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B) to sell, offer for sale, or install a defeat device intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed 5 violations of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).

**Tampered Motor Vehicle/Engine Violation(s)**

<b>Tampering Date(s)</b>	<b>Model Year</b>	<b>Make</b>	<b>Model/VIN</b>	<b>Invoice/License Plate</b>	<b>Tampered Emission Parts or Components</b>
November 20, 2018	NA	NA	NA	Inv. #000808	Absolute Performance 2015-2016 EGR Delete Kit
November 15, 2018	NA	NA	1FD8W3BTX FED70440	Inv. #000820	Jamo Race Pipe Kit, Absolute Performance EGR Kit, Absolute Performance 6.7 CCV, SCT x4 Programmer W/Custom Tune
December 6, 2018	2015	Ford	F350 1FD8W3BT7F ED70444	Inv. #1002	Absolute Performance EGR Kit, Absolute Performance 6.7 CCV, SCT X4 Programmer W. Single Custom Tune, MBRP Race Pipe
November 21, 2018	NA	NA	1FD8W3BT9F ED70445	Inv. #9215	Jamo Race Pipe Kit, Absolute Performance EGR Kit, Absolute Performance 6.7 CCV, SCT X4 Programmer W/Custom Tune
December 12, 2018	2015	Ford	F350 1GD8W3BT5 FED70443	Inv. #1003	Absolute Performance EGR Kit, Absolute Performance 6.7 CCV, SCT X4 Programmer W Single Tune, SBRP Race Pipe

**Table 3 - Penalty and Required Remediation**

Penalty	\$11,800
Required Remediation	In addition to paying the monetary penalty, Respondent must cease and refrain from purchasing, offering for sale, selling, or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by the EPA. Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent acknowledges receipt of the Compliance Plan attached as Appendix A.

# Collections Information Repository (CIR)

## Financial Transaction Detail Report

2702220002585

Generated: Oct 18, 2019 11:43:39 AM

### Transaction Detail for: 26KP31CF

#### Business Information

Source Business Transaction ID 26KP31CF  
 Business Transaction Group ID  
 Reporting Program/Subprogram Pay.gov:Hosted Form (web)  
 Processing Program/Subprogram  
 ALC 88010727  
 Voucher Number 002585  
 Voucher Type 215  
 CAN 000367  
 Agency Account ID 1355  
 Initial Location  
 Office Location Code 01  
 Agency Transaction ID 75859375583

Business Date 10/18/2019  
 Bill Date 10/10/2019  
 Initiation Date 10/10/2019  
 Channel Receipt Date 10/10/2019  
 Voucher Date 10/18/2019  
 Deposit Date 10/18/2019  
 Cash Flow ID 6801072701  
 Cash Flow Name EPA Miscellaneous Payments  
 Processing Site ID  
 RTN 042000437  
 Reporter Identifier Public  
 Non Treasury Collection Code

#### Financial Transaction Details

Source Financial Transaction ID 26KP31CF  
 Source Settlement Transaction ID 6NJBMM6MKR1  
 Transaction Type Collection  
 Transaction Status Settled  
 Payment Medium Type Debit  
 Transaction Type Code 27  
 Agent Trace ID  
 Installment Number  
 Total Installment Count

Amount \$11,800.00  
 Credit Ind Y  
 Settlement Mechanism ACH  
 Receipt Mechanism ACH  
 Financial Transaction Code CCD  
 Channel Batch ID  
 Recurring Indicator N  
 Recurring Frequency

#### Payer Details

Party Name Menzel Enterprises Iowa, Inc.  
 Payer RTN 275979034  
 Payer Type Business  
 Address Line 1  
 City  
 Postal Code

Party Identifier  
 Account Number 4200  
 Bank Account Type C  
 Address Line 2  
 State  
 Email Address todd@plt-ia.com

#### Payee Details

Party Name EPACFC  
 Address Line 1  
 City  
 Postal Code

Party Identifier  
 Address Line 2  
 State

#### Check/ACH Details

Check Type Process Method Code ACH Category Type Debit  
 Check Number Settlement Status Code 413 NOC Update Result  
 Research Ind

Reported Classification(s) CNR:CAA-07-2019-0267

Ckey Name	Ckey Value	Tax Class	SP	ATA	Agency ID	BPOA	EPOA	Avail Type	Main	Sub	BETC	Crd Ind	Classification Total Amount
Pay.gov ALC+2	6801072701											Y	\$11,800.00
APPR. 1099													
TT: 80													
FY: 20													
LIABILITY													KEN 10/18/19

Department of the Treasury

This report contains Personally Identifiable Information.

AMT: \$11,800.00

ACCT. LORI