

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

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| In the Matter of: | : | U.S. EPA Docket No. CAA-03-2024-0045 |
| | : | |
| Weakland’s Mechanic Shop, Inc. 144 Eckenrode Mill Road Chest Springs, Pennsylvania 16624 | : | Proceeding under Section 205(c)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1) |
| | : | |
| Respondent. | : | |

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) and Weakland’s Mechanic Shop, Inc. (“Respondent”) (collectively the “Parties”), pursuant to Section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the CAA for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, including non-methane hydrocarbons ("NMHC"), particulate matter ("PM") oxides of nitrogen ("NOx"), and carbon monoxide ("CO").
13. Section 203(a)(I) of the CAA, 42 U.S.C. § 7522(a)(I), prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity ("COC").
14. The term "motor vehicle" is defined in Section 216(2) of the CAA, 42 U.S.C. § 7550(2), as "any self-propelled vehicle designed for transporting persons or property on a street or highway."
15. The EPA issues COCs to vehicle manufacturers (also known as "original equipment manufacturers" or "OEMs") under Section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles conforms to applicable EPA requirements governing motor vehicle emissions.

16. To obtain a COC for a given motor vehicle test group or engine family, the OEM must demonstrate that each motor vehicle or motor vehicle engine will not exceed established emission standards for NMHC, PM, NO_x, CO, and other pollutants. 40 C.F.R. §§ 86.004-21, 86.1811-04, 86.1844.01.
17. The COC application must describe, among other things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. This includes all auxiliary emission control devices, which are defined as “any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purposes of activating, modulating, delaying, or deactivating the operation of any part of the emission control system” of the motor vehicle. 40 C.F.R. §§ 86.094-21, 86.1844-01.
18. An “element of design” means “any control system (*i.e.*, computer software, electronic control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.094-2.
19. Exhaust gas recirculation (“EGR”) is an emissions-related element of design that reduces NO_x emissions, which are formed at the high temperatures caused during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and NO_x emissions.
20. Diesel oxidation catalysts (“DOCs”) are emissions-related elements of design that reduce CO and NMHC emissions by promoting the conversion of those pollutants into less harmful gases in diesel-fueled motor vehicles.
21. Diesel particulate filters (“DPFs”) are emissions-related elements of design that collect PM pollution contained in engine exhaust gas using a catalytic filter.
22. Selective catalytic reduction (“SCR”) is an emissions-related element of design that reduces NO_x emissions by chemically converting exhaust gas that contains NO_x into nitrogen and water through the injection of diesel exhaust fluid.
23. Engine control module (“ECM”) means an-electronic hardware device, together with the software and calibrations installed on the-device, that is capable of controlling, among other things, the operation of the emission control system in a motor vehicle.
24. On-board diagnostic systems (“OBDS”) are elements of design that include systems of components and sensors designed to detect, record, and report malfunctions of monitored emissions-related systems or components. 40 C.F.R. § 86.1806-05(b).
25. Under Section 202(m) of the CAA, 42 U.S.C. §7521(m), the EPA promulgated regulations requiring OBD systems to be installed on Light-Duty Vehicles and Light-Duty Trucks beginning with the 1994 model year and Light Heavy-Duty Trucks (up to 14,000 lbs) beginning with the 2007 model year.

26. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from removing or rendering inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with Title II of the CAA prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

27. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with Title II of the CAA, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.

28. Persons violating Sections 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) or (B), are subject to a civil penalty of up to \$5,580 for each violation that occurred on or after November 2, 2015, where penalties are assessed on or after January 6, 2023. Section 205(a) of the CAA, 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4; Civil Monetary Penalty Inflation Adjustment Rule, 88 Fed. Reg. 986, 989 (January 6, 2023).

29. Respondent is a Pennsylvania corporation with a principal place of business located at 144 Eckenrode Mill Road in Chest Springs, Pennsylvania.

30. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

31. On May 19, 2021, the EPA issued a request for information letter pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a), requiring Respondent to provide information to determine whether it had acted and was acting in compliance with Section 203(a) of the CAA, 42 U.S.C. § 7522(a) (“RFI letter”).

32. On September 2, 2021 and September 23, 2021, Respondent provided responses to the EPA’s May 19, 2021 RFI letter in the form of a narrative, spreadsheet, invoices and other requested documentation (collectively, “RFI Response”).

33. On September 13, 2023, the EPA issued a Notice of Potential Violations and Opportunity to Confer letter informing Respondent that the EPA suspected that it committed multiple violations of Sections 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), from at least January 2018 through July 2020.

COUNT ONE – Tampering with Motor Vehicle Emission Controls

34. The allegations of Paragraphs 1 through 33 of this Consent Agreement are incorporated herein by reference.

35. In its RFI Response, Respondent provided information showing that from January 2019 through July 2020 it knowingly removed or rendered inoperative emissions-related elements of design on at least 122 unique motor vehicles by altering the software programming of the vehicle's electronic control module (i.e., "ECM flashing") or by installing hardware that impact the vehicle's OBD, EGR, DPF, SCR, or DOC systems installed by vehicle OEMs in compliance with Title II of the CAA.

36. Respondent's conduct described in Paragraph 35 constitutes "tampering" and is a violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).

37. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each act of tampering shall constitute a separate violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), with respect to each motor vehicle or motor vehicle engine.

38. During the time period January 2019 through July 2020, Respondent committed 122 violations of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), and is subject to the assessment of civil penalties under Section 205(a) of the CAA, 42 U.S.C. § 7524(a).

COUNT TWO – Sale and Installation of Defeat Devices

39. The allegations of Paragraphs 1 through 38 of this Consent Agreement are incorporated herein by reference.

40. In its RFI Response, Respondent provided information showing that from January 2019 through July 2020 it sold and installed at least 190 parts or components that have a principal effect of bypassing, defeating, or rendering inoperative motor vehicle EGR, DPF, SCR, or DOC systems installed by vehicle OEMs in compliance with Title II of the CAA; and that it knew or should have known such parts were being offered for sale or installed for such use.

41. Respondent's conduct described in Paragraph 40 constitutes a sale and installation of a "defeat device" and violates Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

42. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each sale and installation of a defeat device shall constitute a separate violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), with respect to each part or component.

43. During the time period January 2019 through July 2020, Respondent committed 190 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), and is subject to the assessment of civil penalties under Section 205(a) of the CAA, 42 U.S.C. § 7524(a).

CIVIL PENALTY

44. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **NINETY THOUSAND dollars (\$90,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

45. The civil penalty is based upon the EPA’s consideration of a number of factors, including the penalty criteria set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), i.e., the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator’s business, the violator’s history of compliance with this subchapter, action taken to remedy the violation, the effect of the penalty on the violator’s ability to continue in business, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case, with specific reference to the EPA’s *Clean Air Act Title II Vehicle & Engine Civil Penalty Policy (dated January 2021)* which reflects the statutory penalty criteria set forth at Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), the appropriate *Adjustment of Civil Monetary Penalties for Inflation* at 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA’s civil penalty policies to account for inflation.

46. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to EPA by Respondent including relevant tax returns, financial statements, assets and corresponding loan obligations.

47. Based upon this analysis EPA has determined that the Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in Paragraph 44, above, in settlement of the above-captioned action. Add additional paragraphs as needed; Complainant has relied upon the financial information provided by Respondent and identified in the preceding Paragraph and, based upon that information, it is Complainant’s conclusion that the Respondent has established that it is unable to pay the full amount of the civil penalty identified and set forth in Paragraph 44, above, within thirty (30) days of the effective date of this Consent Agreement and that a payment plan of the nature and duration set forth below is necessary and appropriate.

48. Pursuant to the provisions of this Consent Agreement, Respondent will remit a total civil penalty (principal) of **NINETY THOUSAND Dollars** and interest (calculated at the rate of 3% per annum on the outstanding principal balance) in the amount **ONE THOUSAND SEVEN HUNDRED Dollars**, in accordance with the installment payment schedule set forth in the chart, immediately below:

| Payment No. | Principal Amount | Interest | Date Payment Due (From Effective Date of Consent Agreement) | Payment Amount Due |
|---------------|--------------------|---------------------|---|---------------------|
| 1 | \$ 30,566.66 | \$ 0 | <i>Within 30 Days</i> | \$ 30,566.66 |
| 2 | \$ 29,566.67 | \$ 1,000.00 | <i>Within 150 Days</i> | \$ 30,566.67 |
| 3 | \$ 29,866.67 | \$ 700.00 | <i>Within 210 Days</i> | \$ 30,566.67 |
| Total: | \$90,000.00 | \$ 1,700 .00 | | \$ 91,700.00 |

49. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 48, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraphs 55 through 57, below, in the event of any such failure or default.

50. Respondent may, at any time after commencement of payments under the installment payment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.

51. Respondent agrees that, within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall make a payment of **\$30,566.66** to **"United States Treasury"** with the case name, address and docket number of this Consent Agreement and Final Order (CAA-03-2024-0045), for the amount specified above. 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>.

52. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Jennifer M. Abramson
Senior Assistant Regional Counsel
abramson.jennifer@epa.gov

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

53. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

54. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or

Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

55. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, the EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).

56. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, the EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

57. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

58. If Respondent fails to make a full and complete payment of the civil penalty in accordance with this Consent Agreement and Final Order, the entire unpaid balance of the penalty shall become immediately due and owing. Failure by Respondent to pay the CAA civil penalty assessed by the Final Order in full in accordance with this Consent Agreement and Final Order may subject Respondent to a civil action to collect the assessed penalty, plus interest, pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

59. Respondent agrees not to deduct for any tax purpose the civil penalty assessed against it in this Consent Agreement and Final Order.

60. The parties consent to service of the Final Order by e-mail at the following valid email addresses: abramson.jennifer@epa.gov (for Complainant), and drockman@eckertseamans.com (for Respondent).

61. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law

or the investigation or inquiry into the payor's potential violation of any law, **including** amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of the Final Order per Paragraph 68; and
 - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

62. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

63. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent

Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

64. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

65. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

66. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

67. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE


68. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

69. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Weakland's Mechanic Shop, Inc.

Date: 8-12-24

By: 

Michael Weakland, President
Weakland's Mechanic Shop, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

By: **KAREN MELVIN**  Digitally signed by
KAREN MELVIN
Date: 2024.04.23
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[Digital signature and date]
Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. EPA - Region 3
Complainant

Attorney for Complainant:

By: **JENNIFER ABRAMSON**  Digitally signed by
JENNIFER ABRAMSON
Date: 2024.04.12
15:21:09 -04'00'

[Digital signature and date]
Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA - Region 3

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| 144 Eckenrode Mill Road | : | Clean Air Act, 42 U.S.C. § 7524(c)(1) |
| Chest Springs, Pennsylvania 16624 | : | |
| | : | |
| Respondent. | : | |

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Weakland’s Mechanic Shop, Inc. have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA’s *Clean Air Act Title II Vehicle & Engine Civil Penalty Policy (dated January 2021)*, and the statutory factors set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2).

NOW, THEREFORE, PURSUANT TO Section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **NINETY THOUSAND dollars (\$90,000)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the CAA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 4/24/24

By: **JOSEPH LISA**
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA - Region 3

Digitally signed by
JOSEPH LISA
Date: 2024.04.24
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Weakland’s Mechanic Shop, Inc. : Proceeding under Section 205(c)(1) of the
144 Eckenrode Mill Road : Clean Air Act, 42 U.S.C. § 7524(c)(1)
Chest Springs, Pennsylvania 16624 : :
Respondent. : :

CERTIFICATE OF SERVICE

I certify that the ***Consent Agreement and Final Order*** in the above-captioned matter was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that, on the date set forth below, I caused to be served upon each of the following persons, in the manner specified below, at the following email addresses, a true and correct copy of the ***Consent Agreement and Final Order*** in the above-captioned matter:

Copies served **via email** upon:

David A. Rockman
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
drockman@eckertseamans.com

Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA - Region 3
abramson.jennifer@epa.gov

Carly Joseph
Enforcement Officer
U.S. EPA - Region 3
joseph.carly@epa.gov

BEVIN
ESPOSITO 
Digitally signed by BEVIN ESPOSITO
Date: 2024.04.24 13:10:30 -0400

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency - Region 3