

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-16-8241

Respondent:

Eisenhart Diesel, LLC
381 Kohler Mill Road
New Oxford, PA 17350

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. 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 does not contest the findings detailed therein, and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$3,150 further described in Table 3, attached, incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies 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 alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges that 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:

3/30/2016

Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print):



Title (print):

OWNER

Signature:



Date:

5-14-16

RATIFIED BY EPA:



Date:

5/19/2016

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
11 September 2014		C A A - 1 6 - 8 2 4 1	
Inspection Location:		Entry/Inspection Number(s)	
Eisenhart Diesel		2 0 1 4 0 9 1 1 0 9 0 0 0 0	
City:		Inspector(s) Name(s):	
New Oxford		Brent Ruminski Steve Strackbein	
State:	Zip Code:	EPA Approving Official:	
PA	17350	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact:	
Eisenhart Diesel, LLC		Lauren Tozzi, Attorney-Advisor, (202) 564-4904 Tony Miller, Chemical Engineer, (303) 312-7161	

Table 2 - Description of Violations and Vehicles/Engines

On September 11, 2014, authorized inspectors found that Eisenhart Diesel (Eisenhart) possessed one (1) vehicle which had been tampered and had defeat devices installed by Eisenhart. It is a violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A) for any person to tamper with the emission control system of an EPA certified engine rendering it non-compliant either by removing, bypassing, or rendering inoperative a certified device or element of design. 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. The EPA has determined that the one (1) vehicle described below, was altered in violation of Title II of the Clean Air Act (CAA). The EPA has determined Eisenhart committed three (3) violations of CAA § 203(a)(3), 42 U.S.C. § 7522(a)(3). These violations include the sale and installation of products allowing the removal of emission controls and the exhaust gas recirculation system.

Description of Vehicles/Engines	Engine Manufacturer	Engine Family	VIN Number	Violations
Heavy Duty Diesel Motor Vehicle	Cummins	Unknown	3D73Y4HLXBG588389	3

Table 3 - Penalty and Required Remediation

Penalty	\$ 3,150
Required Remediation	In addition to paying the monetary penalty, Eisenhart Diesel must cease and refrain from installing, purchasing, and selling any device that interferes, defeats, or otherwise renders inoperative the emission control system of any engine regulated by the EPA.