

**Enclosure**  
**CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. CAA-19-8397

Respondent: North American Industrial Services, Inc.  
1240 Saratoga Road  
Ballston Spa, NY 12020

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 investigation 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'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 \$7,300, 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 investigation and the alleged violations set forth in Tables 1 and 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges 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:**

[Redacted Signature]

Date: Oct 16, 2018

for Phillip A. Brooks, Director, Air Enforcement Division

**APPROVED BY RESPONDENT:**

Name (print): [Redacted]

Title (print): [Redacted]

Signature: [Redacted]

Date: Nov. 1, 2018

**RATIFIED BY EPA:**

[Redacted Signature]

Date: Nov. 15, 2018

for Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Investigation Information	
<b>Date(s) of violation:</b>	<b>Docket Number:</b>
December 11, 2017 – August 10, 2018	C A A - 1 9 - 8 3 9 7
<b>Facility Location:</b>	
3329 Teays Valley Road	
<b>City:</b>	<b>Inspector(s) Name(s):</b>
Hurricane	Amelie Isin; James Adamiec
<b>State: Zip Code:</b>	<b>EPA Approving Official:</b>
WV 25526	Phillip A. Brooks
<b>Respondent:</b>	<b>EPA Enforcement Contact(s):</b>
North American Industrial Services, Inc.	Robert Stoltzfus, Attorney (215) 814-2695

Table 2 - Description of Violations and Vehicles/Engines	
<p>North American Industrial Services, Inc. (Respondent) installed products which render inoperative emission control systems on an EPA-certified motor vehicle and motor vehicle engine (defeat devices). The vehicle, a 2012 T800 Kenworth diesel truck, VIN #1NKDX4TX4CJ310064, operated in a tampered configuration from approximately December 11, 2017 to August 10, 2018. The EPA has determined that this act, summarized below, is 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 includes the installation of: (1) an engine control module reprogrammer (also known as a "tuner") that disables 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) an EGR deletion kit or components used for the removal or bypass of EGR systems; and (3) a DPF delete kit to remove or bypass the DPF system.</p>	
Defeat Device Description	Date
DPF delete kit	12/11/17
EGR intake block off plates	12/11/17
ECM tuner	12/11/17

Table 3 - Penalty and Required Remediation	
Penalty	\$7,300
Required Remediation	Respondent has provided EPA with documentation that the truck (VIN #1NKDX4TX4CJ310064) was returned to certified configuration on August 10, 2018. In addition to paying the monetary penalty, Respondent 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, Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines. Toward that end, Respondent agrees to comply with the Compliance Plan attached as Appendix A. Respondent shall also ensure that all staff receive a copy of the attached Compliance Plan.