

**Enclosure**

**CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT**

DOCKET NO. R9-CAA-21-1010

Respondent: Dykstra Inc. dba Dykstra Machinery  
2585 E. Queen Creek Road  
Gilbert, AZ 85297  
jamie@dykstramachinery.com

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 **\$29,814**. 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. 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 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:

CLAIRE TROMBADORE Digitally signed by CLAIRE TROMBADORE  
Date: 2021.06.16 12:56:26 -07'00'

Date: June 16, 2021

Official: Claire Trombadore, Assistant Director

APPROVED BY RESPONDENT:

Name (print): Jamie Dykstra

Title (print): President

Signature: Jamie Dykstra

Email (print): jamie@dykstramachinery.com

Date: 6/21/2021

RATIFIED BY EPA:

CLAIRE TROMBADORE Digitally signed by CLAIRE TROMBADORE  
Date: 2021.06.23 16:42:11 -07'00'

Date: 6/23/21

Official: Claire Trombadore, Assistant Director

Table 1 - Information Collection	
<b>Date(s) Information Collected:</b>	<b>Docket Number:</b>
11/19/2020	R 9 - C A A - 2 1 - 1 0 1 0
<b>Respondent Location:</b>	
3026 N. Rockwell Avenue	
<b>City:</b>	<b>Inspector(s) Name(s):</b>
Casa Grande	Janice Chan
<b>State: Zip Code:</b>	<b>EPA Approving Official:</b>
AZ 85122	Claire Trombadore
<b>Respondent:</b>	<b>EPA Enforcement Contact(s):</b>
Dykstra Inc. dba Dykstra Machinery	Janice Chan and Brian Riedel

Table 2 - Description of Violations and Vehicles/Engines						
<p>EPA obtained information regarding products sold and work performed by Respondent on motor vehicles or engines and nonroad vehicles or engines. Based on the information collected, Respondent tampered with one (1) vehicle by removing or rendering inoperative an emissions control device or element of design installed on the motor vehicle or engine after sale to the ultimate purchaser, in violation of Section 203(a)(3)(A) the CAA, 42 U.S.C. § 7522(a)(3)(A), and 40 C.F.R. § 1068.101(b)(1). The information further showed that Respondent sold and installed fifty-nine (59) parts or components where a principal effect of the part or component is to bypass, defeat, or render inoperative an emissions control device or element of design installed on motor vehicle or engines or nonroad vehicles or engines, in violation of Sections 203(a)(3)(B) and/or 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(3)(B) and/or 7547(d), and 40 C.F.R. § 1068.101(b)(2). Based on the information summarized below, EPA alleges that Respondent has committed sixty (60) violations of the CAA and implementing regulations.</p>						
Tampered Motor Vehicle/Engine Violation						
Tampering Date	Model Year	Make	Model	VIN	Tampered Emission Parts or Components	
9/11/2019	2018/2019	Kenworth	T4 Series	1NKBLJ0X9KR242737	Diesel particulate filter and selective catalytic reduction	
Defeat Device Violation(s)						
Defeat Device Description	Make	Part #	Quantity	Sold, installed, and/or offered for sale?	Date Range	
Exhaust gas recirculation ("EGR") block off plate	Cummins 8.3L	ISC1	8	Sold/installed	5/19/2017	
Delete tune	Cummins 8.3L	2250 tune	1	Sold/installed	5/19/2017	
EGR block off plate	Cummins 8.3L; 2017 Peterbuilt/Paccar PX-9	ISC4	16	Sold/installed	5/19/2017- 9/9/2019	

Defeat Device Description	Make	Part #	Quantity	Sold, installed, and/or offered for sale?	Date Range
Delete tune	2009 Kenworth	876 tune	1	Sold/installed	9/19/2017
Delete tune	Peterbuilt	2350 tune	1	Sold/installed	11/22/2017
Delete tune	2012 Peterbuilt	2250 tune	1	Sold/installed	2/20/2018
Delete tune	New Holland	New Holland T6.120 tune	1	Sold/installed	2/21/2018
Delete tune	2011 and 2012 Peterbuilt	tune	2	Sold/installed	5/18/2018 and 10/30/2018
EGR block off plate	2011 & 2012 Peterbuilt	PC1B	3	Sold/installed	5/18/2018, and 28; 10/18/2018
EGR block off plate	2011 & 2012 Peterbuilt	PC2A	2	Sold/installed	5/18/2018, and 28; 10/18/2018
EGR block off plate	2011 & 2012 Peterbuilt	PC3	2	Sold/installed	5/18/2018, and 28; 10/18/2018
Delete tune	2010 Kenworth	2150 tune	1	Sold/installed	10/9/2018
Delete tune	CAS MASS 140	Case Maxxum 140 tune	1	Sold/installed	11/16/2018
Delete tune	2009 Kenworth	ISM1	1	Sold/installed	12/20/2018
Delete Tune	2012 New Holland	T8.330 New Holland tune	1	Sold/installed	2/12/2019
Delete tune	2007 INT 9400I SBA+	Cummins 870 tune	1	Sold/installed	2/26/2019
EGR block off plate	2007 INT 9400I SBA+	8704	1	Sold/installed	2/26/2019
Delete tune	Kenworth	2250 tune	1	Sold/installed	7/9/2019
Delete tune	2015 John Deere BIG T300+MS028	6068 industrial tune	1	Sold/installed	7/16/2019
Delete tune	2015, 2016, 2018, & 2019 Kenworth; 2020 Western Star	2350 tune	6	Sold/installed	7/17/2019; 8/13/2019; 8/20/2019; 8/21/2019; 9/11/2019; 10/16/2019
Delete tune	2019 Kenworth	2350 tune	1	Sold/installed	7/26/2019

Defeat Device Description	Make	Part #	Quantity	Sold, installed, and/or offered for sale?	Date Range
Delete tune	2018 Kenworth	2350 tune	1	Sold/installed	8/14/2019
Delete tune	2017 Peterbuilt	2350 tune	1	Sold/installed	8/21/2019
Delete tune	2015 Freightliner	2350 tune	1	Sold/installed	12/3/2019
Delete tune	2009 Kenworth	876 tune	1	Sold/installed	12/20/2019
Delete tune	T8 New Holland	T8 New Holland	1	Sold/installed	2/7/2020
Delete tune	CAS 400	Case Steiger 400 tune	1	Sold/installed	8/4/2020

Table 3 - Penalty and Required Remediation	
Penalty	\$29,814
Required Remediation	In addition to paying the monetary penalty, Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent must also cease and refrain from purchasing, 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 is aware of EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

## CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

15 mins

**Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:**

Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

On the same day after submitting your payment, send an email to [cinwd\\_acctsreceivable@epa.gov](mailto:cinwd_acctsreceivable@epa.gov) and the EPA contact email address noted below. Include in the subject line: "Payment Confirmation for Dykstra Inc. Docket Number R9-CAA-21-1010." Attach a copy of the Agreement and your payment receipt to the email.

---

**Within 30 days from your receipt of the Agreement, you must email [chan.janice@epa.gov](mailto:chan.janice@epa.gov) a scanned copy of the original signed Agreement, the documentation of your Required Remediation corrective action(s) taken, and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).**

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Janice Chan at (415) 972-3303. The EPA will consider whether to grant an extension on a case-by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violation(s) specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$4,876 per violation pursuant to 40 C.F.R. § 19.4.