

Enclosure

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-02-2021-1207

Respondent: Firematic Supply Co., Inc
10 Ramsey Road
East Yaphank, New York 11967

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 through a Section 208 Request for Information as 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, pursuant to CAA Section 205(c)(1), 42 U.S.C. § 7524(c)(1), 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 **ten thousand seven hundred and twenty-five (\$10,725)**. 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 Section 208 Request for Information 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:

BARBARA MCGARRY
Digitally signed by
BARBARA MCGARRY
Date: 2021.08.25
11:39:02 -04'00'

FOR _____

Date: 8/25/2021

Delegated Official: Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Peter Hanrahty

Title (print): President

Signature: Peter Hanrahty

Email (print): Phanrahty@firematic.com

Date: 8-31-21

RATIFIED BY EPA:

Anderson, Kate Digitally signed by Anderson, Kate
Date: 2021.09.15 12:41:17
-04'00' for

Date: _____

Delegated Official: Dore F. LaPosta, Director
Enforcement and Compliance Assurance Division

Table 1 - Information Collection	
Date(s) Information Collected:	Docket Number:
July 15, 2020; September 9, 2020	0 2 - 2 0 2 1 - 1 2 0 7
Respondent Location:	
10 Ramsey Road	
City:	Inspector(s) Name(s):
East Yaphank	Sarah Clark, Richard Kan, Julian Velez
State: Zip Code:	EPA Approving Official:
NY 119 67	Dore F. LaPosta
Respondent:	EPA Enforcement Contact(s):
Peter Hanratty	Richard Kan (212) 637-4017

Table 2 - Description of Violations and Vehicles/Engines					
EPA obtained evidence that Firematic Supply Co., Inc. (Respondent) tampered with the vehicle(s)/engine(s) listed below. EPA obtained evidence that Respondent rendered inoperative emission control systems on EPA-certified motor 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. Based on information summarized below, EPA finds that Respondent has committed eleven (11) violations of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).					
Tampered Motor Vehicle/Engine Violation(s)					
Tampering Date(s)	Model Year	Make	Model	License Plate	Tampered Emission Parts or Components
4/2/2018, 5/31/2018, 6/25/2020		Custom, Detroit Diesel Series 60 engine	419 Rescue	N/A	ECU/CPC reprogramming, VGT delete
5/11/2018, 6/22/2020		Custom, Detroit Diesel Series 60 engine	3-2-12 Pumper	N/A	ECU/CPC reprogramming, DPF delete
9/6/2018, 6/3/2020		Custom, Detroit Diesel Series 60 engine	3-2-2 Pumper	N/A	ECU/CPC reprogramming, DPF delete
6/12/2018		Custom, Detroit Diesel Series 60 engine	3-2-18 Rescue	N/A	ECU/CPC reprogramming, DPF delete

7/16/2020	2010	Ford	F550	N/A	DPF delete
7/26/2018, 2/4/2019		Custom, Detroit Diesel Series 60 engine	7-1-3 Aerial	N/A	ECU/CPC reprogramming, DPF delete
8/10/2018		Custom, Detroit Diesel Series 60 engine	7-1-1 Pumper	N/A	ECU/CPC reprogramming, DPF delete
8/13/2018		Custom, Detroit Diesel Series 60 engine	7-1-6 Pumper	N/A	ECU/CPC reprogramming, DPF delete
8/15/2018		Custom, Detroit Diesel Series 60 engine	7-1-2 Pumper	N/A	ECU/CPC reprogramming, DPF delete
1/23/2019		Custom, Detroit Diesel Series 60 engine	7-1-9 Rescue	N/A	ECU/CPC reprogramming, DPF delete
1/11/2019, 1/28/2019		Custom, Detroit Diesel Series 60 engine	5-3-8 Pumper	N/A	ECU/CPC reprogramming, DPF delete, VGT delete

Table 3 - Penalty and Required Remediation	
Penalty	\$10,725
Required Remediation	In addition to paying the monetary penalty, Respondent must cease and refrain from 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 certifies that it has reviewed EPA's November 23, 2020 " EPA Tampering Policy - The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act ".