

ENCLOSURE 1

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-04-2022-0055(b)

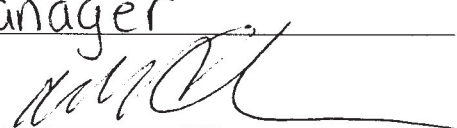
Respondent: Performance Motorsports, LLC
14005 NW 8th Street
Sunrise, Florida 33325

1. This Clean Air Act Vehicle and Engine Expedited Settlement Agreement (Agreement) is being entered into by the U.S. Environmental Protection Agency, Region 4, by its delegated official, the Director of the Enforcement and Compliance Assurance Division, and by Performance Motorsports, LLC, (hereinafter, "Respondent"), pursuant to Section 205(c)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7524(c)(1).
2. The EPA and Respondent (hereinafter, collectively "Parties") enter into this Agreement in order to settle the alleged civil violations discovered as a result of the investigation specified in Table 1, attached, and incorporated into this Agreement by reference. The alleged civil violations that are the subject of this Agreement are described in Table 2, attached and incorporated into the Agreement by reference, regarding the vehicle/engine and parts or components specified therein.
3. Respondent admits to being subject to the CAA and its associated regulations and that the 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.
4. Respondent certifies that payment of the penalty has been made in the amount of **\$8,027**. 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.
5. The findings resulting from the Respondent's responses to the EPA's March 17, 2020, information request, and the alleged violations, are 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 approving signature.
6. The Parties consent to service of this Agreement by electronic delivery at the Respondent's email address noted below.

APPROVED BY RESPONDENT:

Name (print): Marvin Chanes

Title (print): Manager

Signature: 

Email (print): marvin@pmtdiesel.com

Date: 10/25/2022

APPROVED BY EPA:

CAROL KEMKER Digitally signed by CAROL KEMKER
Date: 2022.12.02 09:27:16 -05'00'

Delegated Official: Carol L. Kemker, Director
Enforcement and Compliance Assurance Division

Date: _____

Table 1 - Information Collection	
Date Information Collected:	Docket Number:
10/15/2020	C A A - 0 4 - 2 0 2 2 -
Respondent Location:	
14005 NW 8 th Street	0 0 5 5 (b)
City:	Inspector Name:
Sunrise	Megan Arias
State: Zip Code:	EPA Approving Official:
FL 33325	Carol L. Kemker
Respondent:	EPA Enforcement Contact:
Performance Motorsports, LLC	Carrie Griffith

Table 2 - Description of Violation(s) and Vehicle(s)/Engine(s)				
EPA's Air Enforcement Branch, Region 4, sent an information request letter to the Respondent on March 17, 2020. The responsive information collected from Respondent, covering the period of March 1, 2019, through April 2, 2020, provided evidence that Respondent sold defeat devices (listed below) which render inoperative emission control systems on EPA-certified motor vehicles and/or motor vehicle engines. 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 intended for use with EPA-certified motor vehicle engines. Based on information summarized below, EPA finds that Respondent has committed nine (9) violations of 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).				
Tampered Motor Vehicle/Engine Violation(s)				
Item ID	Description	Quantity	Date Range	Tampered Emission Parts or Components
49-03093NM	Downpipe-back exhaust	1	3/1/2019 - 4/2/2020	DPF, SCR
49-04053NM	Downpipe-back exhaust	1	3/1/2019 - 4/2/2020	DOC, DPF, SCR
CFS9458	Race pipe	1	3/1/2019 - 4/2/2020	DOC, DPF
HS301001	EGR cooler kit	1	3/1/2019 - 4/2/2020	EGR
HS301005	EGR cooler kit	1	3/1/2019 - 4/2/2020	EGR
R-EGRD-03-076.0FORD	EGR cooler kit	1	3/1/2019 - 4/2/2020	EGR
R-EGRD-13-16CUMMINS	EGR cooler kit	2	3/1/2019 - 4/2/2020	EGR
HS109005	Tuner	1	3/1/2019 - 4/2/2020	EGR, DPF, SCR

Table 3 - Penalty and Required Remediation	
Penalty	\$8,027
Required Remediation	In addition to paying the monetary penalty, Respondent must 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 refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent certifies that it has reviewed the enclosed 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.