

ENCLOSURE 1
LEAN IR T VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-04-2022-0050(b)

Respondent: Sumner Wholesale Auto Group LLC
d/b/a Swag Performance & Off-Road
4007 Highway 31 West
Cottontown, Tennessee 37048

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 Sumner Wholesale Auto Group LLC, d/b/a Swag Performance & Off-Road, (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 vehicles/engines 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 **\$14,501**. 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 information collected during the EPA's November 19, 2019, inspection, 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): Alan Nebel


Title (print): Owner

Signature: 

Email (print): alan@swagperformanceparts.co

Date: 10/5/22

APPROVED BY EPA: **TODD
RUSSO**

 Digitally signed by
TODD RUSSO
Date: 2022.11.08
08:54:45 -05'00'

for,

Date: _____

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

Table 1 - Information Collection	
Date Information Collected:	Docket Number:
11/19/2019	C A A - 0 4 - 2 0 2 2 -
Respondent Location:	
124 Volunteer Drive	0 0 5 0 (b)
City:	Inspector Names:
Hendersonville	Megan Arias, Todd Groendyke, Sharron Porter
State: Zip Code:	EPA Approving Official:
TN 37075	Carol L. Kemker
Respondent:	EPA Enforcement Contact:
Sumner Wholesale Auto Group LLC d/b/a Swag Performance & Off-Road	Carrie Griffith

Table 2 - Description of Violations and Vehicles/Engines					
<p>EPA's Air Enforcement Branch, Region 4, conducted an inspection of Respondent on November 11, 2019. The information collected during the inspection 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. The collected information also provided evidence that Respondent tampered with the EPA-certified motor vehicles and/or motor vehicle engines (listed below) by removing or rendering inoperative emission control components on the vehicles/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 vehicles and engines. 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 18 violations of 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).</p>					
Defeat Device Motor Vehicle/Engine Violation(s)					
Invoice	Item Code	Application	Component Deleted	Quantity	Date
100231	DD-6.0L-304DELETE	2003-2010 Powerstroke	EGR	2	10/18/2019
100252	DD-6.4L-DELETE	2008-2010 Powerstroke	EGR	2	10/30/2019
100267	DD-6.0L-DELETE	2003-2010 Powerstroke	EGR	3	11/8/2019
100274	DD-6.7C-10-12DELETE	2010-2012 Cummins	Throttle Valve	5	11/14/2019
100274	DD-6.0L-304DELETE	2003-2010 Powerstroke	EGR	5	11/14/2019
Tampered Motor Vehicle/Engine Violation(s)					
100273	DEMK4353A	2004-2007 Powerstroke	DOC	1	11/13/2019

Table 3 - Penalty and Required Remediation	
Penalty	\$14,501
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 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."