



REGION 10

SEATTLE, WA 98101

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Benjamin Moses
Registered Agent
BM Autowerks LLC
2639 Kirtland Road, Unit #105
Central Point, Oregon 97502

Mr. Benjamin Moses
Registered Agent
BM Autowerks LLC
746 Sheffield Drive
Eagle Point, Oregon 97524

Re: Expedited Settlement Agreement for Clean Air Act Mobile Source Violations
Docket No. CAA-10-2026-0054

Dear Mr. Moses:

The U.S. Environmental Protection Agency (EPA) has authority under Section 205 of the Clean Air Act (CAA), 42 U.S.C. § 7524, to pursue civil penalties for violations of Sections 203(a)(3) of the CAA, 42 U.S.C. §§ 7522(a)(3). Enclosed is an Expedited Settlement Agreement (ESA) that addresses violations by BM Autowerks LLC located at 2639 Kirtland Road, Unit #105, Central Point, Oregon (herein "Respondent"), as documented in Enclosure 1 to the ESA under the Description of Violations and Vehicles/Equipment. Based on available information, we have determined that an appropriate penalty to resolve these violations is \$14,467.00.

The EPA encourages an expeditious settlement of easily correctable violations such as the violations cited in the enclosed ESA. The ESA complies with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits: Final Rule, 40 C.F.R. Part 22.

You may resolve the cited violations by correcting the violations, signing and returning the ESA within 30 days of your receipt of this letter and paying the \$14,467.00 penalty as provided in the ESA. The EPA, at its discretion, may grant one extension of up to an additional 60 days for cause upon request. Please be advised that the ESA contains a discounted, non-negotiable penalty amount which is significantly lower than the amount calculated under the EPA's Clean Air Act Mobile Source Civil Penalty Policy – Vehicle and Engine Certification Requirements.

The ESA, when executed by both parties, signed by the Regional Judicial Officer and filed with the Regional Hearing Clerk, is binding on the EPA and Respondent. Upon such filing, the EPA will take no further action for civil penalties against Respondent for the violations cited in the ESA provided the penalty is timely paid. The EPA will neither accept nor approve the ESA if returned more than 30 days after the date Respondent receives this letter, unless an extension has been granted by the EPA. If Respondent does not return the signed ESA within 30 days of receipt or up to 90 days if an extension has been granted, this settlement offer will be automatically withdrawn, with no need of additional notice to you, without prejudice to the EPA's ability to file an enforcement action for the cited violations and seek penalties of up to \$59,114 per violation pursuant to Section 205 of the CAA 42 U.S.C. § 7524 and 40 C.F.R. § 19.4.

Respondent is required in the ESA to certify under penalty of law that it has corrected the violations.

The **signed** ESA must be sent electronically or via certified mail to:

Alexander Liebert
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 155, Mail Stop 20-C04
Seattle, Washington 98101
Liebert.Alexander@epa.gov

After the Regional Judicial Officer signs the original ESA and it is filed with the Regional Hearing Clerk, the EPA will send Respondent a file stamped copy. The penalty must be paid within 30 days after the ESA is filed with the Regional Hearing Clerk as further explained in the enclosed ESA and Payment Instructions.

By the terms of the ESA and upon filing of the ESA, Respondent waives its opportunity for a hearing pursuant to Section 205 of the CAA. Although terms of the ESA are non-negotiable, should Respondent have any other questions regarding this ESA process, please contact Alexander Liebert, at Liebert.alexander@epa.gov or (206) 553-6265. Questions from legal counsel should be directed to Shannon Rebersak, Regional Counsel, at (206) 553-1796 or rebersak.shannon@epa.gov.

Sincerely,

EDWARD KOWALSKI

Digitally signed by EDWARD
KOWALSKI
Date: 2026.02.24 16:32:46 -08'00'

Edward J. Kowalski
Director
Enforcement and Compliance Assurance Division

Enclosures

1. Expedited Settlement Agreement and Payment Instructions
2. Expedited Settlement Alleged Violations and Final Adjusted Penalty Summary
3. U.S. EPA Small Business Resources Information Sheet

FILED

March 16, 2026

3:38PM

**U.S. EPA REGION 7
HEARING CLERK**

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:) DOCKET NO. CAA-10-2026-0054
)
BM Autowerks LLC) **EXPEDITED SETTLEMENT**
) **AGREEMENT**
Central Point, Oregon)
)
Respondent.)
)

EXPEDITED SETTLEMENT AGREEMENT

I. STATUTORY AUTHORITY

1. This Expedited Settlement Agreement (“ESA”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 205(c)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7524(c)(1).

2. Pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, the EPA issues, and BM Autowerks LLC (“Respondent”) agrees to issuance of, the Final Order attached to this ESA (“Final Order”).

II. PRELIMINARY STATEMENT

3. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this ESA commences this proceeding, which will conclude when the Final Order becomes effective.

4. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), to sign expedited settlement agreements between the EPA and the party against whom an administrative penalty for violations of the CAA is proposed to be assessed.

III. ALLEGATIONS

5. The EPA has determined that Respondent violated Part A of Title II of the CAA, 42 U.S.C. §§ 7521–7554, and the regulations promulgated thereunder, as explained in the enclosed Expedited Settlement Alleged Violations and Final Adjusted Penalty Summary (“Summary”), which is hereby incorporated by reference.

6. Under Section 205(a) of the CAA, 42 U.S.C. § 7524(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$59,114 per day of violation.

IV. TERMS OF SETTLEMENT

7. Respondent admits the jurisdictional allegations of this ESA.

8. Respondent neither admits nor denies the specific factual allegations contained in this ESA.

9. In determining the amount of penalty to be assessed, the EPA has taken into account the factors specified in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2). After considering these factors, the EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is \$14,467 (the “Assessed Penalty”).

10. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

11. Payments under this ESA and the Final Order shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment its name and the docket number of this action.

12. Concurrently with all payments or within 24 hours of any payment, Respondent must serve copies of proof of payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Alexander Liebert
U.S. Environmental Protection Agency
Region 10
Via electronic mail to:
Liebert.Alexander@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the receipt or confirmation of payment method, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

13. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action pursuant

to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), to collect the Assessed Penalty under the CAA. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

14. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall be responsible for payment of the following amounts:

- a. Interest. Any unpaid portion of the Assessed Penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2) from the effective date of the Final Order, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.
- b. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7524(c)(6), should Respondent fail to pay the Assessed Penalty and interest on a timely basis, Respondent shall also be required to pay the United States' enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

15. The Assessed Penalty, including any additional costs incurred under Paragraph 14, represents an administrative civil penalty assessed by the EPA and shall not be deductible for purposes of federal taxes.

16. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this ESA and to bind Respondent to this document.

17. The undersigned representative of Respondent certifies that, as of the date of Respondent's signature of this ESA, Respondent has corrected the violations alleged in Part III and in the Summary.

18. The undersigned representative of Respondent certifies that from the date of Respondent's signature:

- a. Respondent will not remove or render inoperative any emissions-related device or element of design installed on or in a motor vehicle or motor vehicle engine in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).
- b. Respondent will not manufacture, sell, offer for sale, or install any part or component, in violation of Section 203(a)(3)(B) of the CAA, 42, U.S.C. § 7522(a)(3)(B). Toward this end, 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."

19. Except as described in Paragraph 14, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

20. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this ESA and to appeal the Final Order.

21. By signing this ESA, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying this ESA.

22. Respondent acknowledges that this ESA and the Final Order will be available to the public and agrees that it does not contain any confidential business information or any personally identifiable information.

23. Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete.

24. Respondent acknowledges that there are significant penalties for knowingly submitting false, fictitious, or fraudulent information, including the possibility of fines and imprisonment.

25. The provisions of this ESA and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

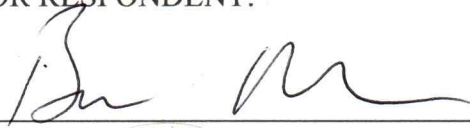
26. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this ESA, and to any stated permit action.

27. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

3/13/2026

FOR RESPONDENT:



Benjamin Moses, Registered Agent and Owner
BM Autowerks LLC

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

FILED

March 16, 2026

3:38PM

**U.S. EPA REGION 7
HEARING CLERK**

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. CAA-10-2026-0054
	)	
Benjamin Moses	)	FINAL ORDER
BM Autowerks, LLC	)	
	)	
Central Point, Oregon	)	
	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Expedited Settlement Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Expedited Settlement Agreement and this Final Order constitute a settlement by the EPA of all claims for civil penalties under CAA for the violations alleged in Part III of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of CAA and regulations promulgated or permits issued thereunder and any applicable implementation plan requirements.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: BM Autowerks, Docket No.: CAA-10-2026-0054**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Alexander Liebert
Clean Air Act Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C16
1200 6th Avenue, Suite 155
Seattle, Washington 98101
Liebert.Alexander@Epa.gov

Benjamin Moses
Registered Agent
BM Autowerks LLC
2639 Kirtland Road, Unit #105
Central Point, Oregon 97502
Ben@bmautowerks.com

Regional Hearing Clerk
EPA Region 10

Enclosure 2
Expedited Settlement Alleged Violations and Final Adjusted Penalty Summary

Table 1 - Information Collection	
Date(s) Information Collected:	Docket Number:
12/18/2025	CAA-10-2026-0054
Respondent Location:	
2639 Kirtland Road, Unit #105	
City:	Inspector Name:
Central Point	Alexander Liebert
State and Zip Code:	EPA Approving Official:
Oregon 97502	Edward J. Kowalski
Respondent:	EPA Enforcement Contact:
BM Autowerks LLC	Alexander Liebert

Table 2 - Description of Violations and Vehicles/Engines					
EPA obtained evidence that BM Autowerks (Respondent) tampered with the vehicle(s)/engine(s) listed below. EPA obtained evidence that Respondent installed, and/or sold, and/or offered for sale the products listed under Defeat Device Violation(s). The products are parts or components intended for use with, or as part of, a motor vehicle. The principal effect of each of the products listed is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle in compliance with regulations under Clean Air Act Title II. Respondent knew or should have known that the products listed below was installed for such use. EPA obtained evidence that Respondent removed or rendered inoperative the devices or elements of design listed below under Tampered Motor Vehicle/Engine Violations. The devices or elements of design were installed on or in motor vehicles or motor vehicle engines in compliance with the regulations under Clean Air Act Title II. Respondent knowingly removed the devices or elements of design. 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. 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, and install defeat device intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed 14 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
6/21/2024	2015	Volkswagen	Golf		EGR/DPF/Adblue/Swirl flaps Delete
6/27/2024	2005	Volkswagen	Jetta wagon		EGR Disabled
10/1/2024	2012	Volkswagen	Golf		EGR/DPF/Swirl flap Delete
11/12/2024	2012	Volkswagen	Touareg		DPF, EGR, SCR, Rear O2,

[illegible]

Exhaust Pipes	Nat Performance exhaust kit		1	Y	2024-2025
Exhaust Pipes	Stevenson tuning		1	Y	2024-2025
Exhaust Pipes	Rawtek		1	Y	2024-2025
Exhaust Pipes	TDI Upgrades EGR Cooler kit	EGRDK-BEW/B HW	1	Y	2024-2025

Table 3 - Penalty and Required Remediation	
Penalty	\$14,467.00