

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

)	
IN THE MATTER OF:)	
)	
APlus Truck Sales, Inc.)	EPA Docket No.
)	CAA-01-2021-0077
Respondent.)	
)	

FINAL ORDER

In accordance with 40 C.F.R. § 22.18(b) of the United States Environmental Protection Agency’s Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties found at 40 C.F.R. Part 22, the parties to the above-captioned matter have forwarded an executed Consent Agreement to me for final approval. This Consent Agreement is incorporated by reference into this Final Order. Pursuant to Section 205(c)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1), the Consent Agreement and this Final Order resolve the Clean Air Act violations alleged in the Complaints.

In light of the particular facts and circumstances of this matter, including extenuating circumstances due to the COVID-19 public health emergency and the factors enumerated in Section 205(c)(2) of the Clean Air Act, 42 U.S.C. § 7524(c)(2), and after considering the nature, circumstances, extent, and gravity of the violations and such other matters as justice may require, including Respondent’s ability to pay the penalty, Complainant has determined that it is fair and appropriate to assess a civil penalty in the amount of \$75,000, plus interest. This penalty shall be paid in installments in accordance with Paragraphs 13 and 14 of the Consent Agreement. The first installment payment is due 60 days after the effective date of this Final Order.

Forty C.F.R. § 22.31(c) states that “[t]he respondent[s] shall pay the full amount of any civil penalty assessed in the final order within 30 days after the effective date of the final order **unless otherwise ordered.** [emphasis added]” In addition, EPA’s Claims Collection regulation at 40 C.F.R. § 13.18(a) states that “[w]henver, feasible, and except as otherwise provided by law, debts owed to the United States, together with interest, penalty and administrative costs, as required by § 13.11, will be collected in a single payment.” EPA may, however, determine that a respondent is financially unable to pay the indebtedness in a single payment or that an alternative payment mechanism is in the best interest of the United States, and may approve repayment of the debt in installments. *Id.*

As described in Paragraph 11 of the Consent Agreement, the COVID-19 public health emergency has had a negative impact on Respondent’s financial health. As a result, the installment payment method described in the Consent Agreement in the best interest of the United States. The repayment of the \$75,000 civil penalty with interest shall be made in installments as described in Paragraphs 13 and 14 of the Consent Agreement. These payments shall commence 60 days after the effective date of this settlement. The effective date of this Final Order is the date it is filed with the Regional Hearing Clerk. 40 C.F.R. § 22.31(b).

SO ORDERED THIS 10TH DAY OF NOVEMBER 2021:

LeAnn Jensen
Regional Judicial Officer
United States Environmental Protection Agency, Region 1