

Clean Air Act Vehicle and Engine Expedited Settlement Agreement

DOCKET #: EPA-5-21-CAA-ESA-01

Respondent: Keck's Repair Inc.
7123 SW 82nd Ave.
Owatonna, Minnesota

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 as a result of the inspection(s) and responses to EPA's Request for Information 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 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 **\$28,281**. 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. The findings resulting from the information provided by Respondent in response to EPA's April 9, 2020 CAA Section 208 Information Request and alleged violation(s) 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 ratifying signature.
5. The parties consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

APPROVED BY RESPONDENT:

Name (print): Brian Keck

Title (print): Owner

Email (print): info@kecksrepair.com

Signature: 

Date: 5/12/21

APPROVED BY EPA: **MICHAEL HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.06.09
12:45:58 -05'00'

Delegated Official: Michael D. Harris, Division Director, ECAD, EPA R5

Table 1 - Information Collection	
Date(s) Information Collected:	
September 18, 2019; August 20, 2020	
Respondent Location:	Docket Number:
7123 SW 82nd Ave.	E P A 5 2 1 C A A E S A 0 1
City:	Inspector(s) Name(s):
Owatonna	Cody Yarbrough, Patrick Miller
State: Zip Code:	EPA Approving Official:
MN 55060	Michael D. Harris
Respondent:	EPA Enforcement Contact(s):
Keck's Repair Inc.	Cody Yarbrough, Patrick Miller

Table 2 - Description of Violations and Vehicles/Engines						
<p>EPA obtained evidence that Keck's Repair Inc. (Respondent) tampered with motor vehicles or motor vehicle engines and sold, offered for sale, and installed defeat devices, which rendered inoperative emission control systems on EPA-certified motor vehicles or motor vehicle 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. 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 devices intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed at least 12 violations of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and at least 17 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).</p>						
Tampered Motor Vehicle/Engine Violations						
Invoice Date	Invoice #	Model Year	Make	Model	Engine	Tampered Emission Control Device
10/6/2017	284829	2014	Freightliner	Cascadia	12.8L Detroit Diesel DD13	ECM, EGR, Aftertreatment
7/20/2018	287256	2015	Freightliner	Coronado	12.8L Detroit Diesel DD13	ECM, EGR, Aftertreatment
9/4/2018	287653	2012	Kenworth	T660	14.8L Detroit Diesel DD15	ECM
12/24/2018	288573	2009	Kenworth	T660	Unknown	ECM, Crankcase Ventilation
2/22/2019	289244	2013	Freightliner	Cascadia	14.8L Detroit Diesel DD15	ECM, EGR, Aftertreatment

2/22/2019	289245	2014	Freightliner	Cascadia	12.8L Detroit Diesel DD13	ECM, EGR, Aftertreatment
3/1/2019	289293	2009	Freightliner	Columbia	12.8L MBE 4000	ECM, Aftertreatment
3/26/2019	289464	2013	Freightliner	Cascadia	14.8L DD15	ECM, EGR, Aftertreatment
5/17/2019	290008	2015	Freightliner	Coronado	12.8L Detroit Diesel DD13	ECM, EGR, Aftertreatment
9/19/2019	291008	2012	Freightliner	Cascadia	Unknown	ECM, Aftertreatment
11/6/2019	291373	2013	Freightliner	Cascadia	12.8L Detroit Diesel DD13	ECM, Aftertreatment
9/19/2019	289950	2013	Freightliner	Cascadia	12.8L Detroit Diesel DD13	ECM, Aftertreatment

Defeat Device Violations				
Defeat Device Description	Make	Part #	Quantity Sold and Installed	Date Range
EGR Delete Hardware	Unknown	Unknown	6	10/6/2017 to 5/17/2019
Aftertreatment Delete Hardware	Unknown	Unknown	10	10/6/2017 to 9/19/2019
Crankcase Ventilation Delete Hardware	Unknown	Unknown	1	12/24/2018

Table 3 - Penalty and Required Remediation	
Penalty	\$28,281
Required Remediation	In addition to paying the monetary penalty, Respondent must cease and refrain from purchasing, 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."

CAA VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

Within 30 days from your receipt of the Agreement, you must pay the penalty as described below:

Payment method 1 – Preferred (electronic): Pay online through the Department of the Treasury using WWW.PAY.GOV. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center and complete the SFO Form Number 1.1. The payment shall be identified in the online system with Docket Number listed below.

On the same day after submitting your payment, send an email to cinwd_acctsreceivable@epa.gov and the EPA contact email address noted below. Include in the subject line: “Payment Confirmation for Keck’s Repair Inc. Docket Number EPA-5-21-CAA-ESA-01.” Attach a copy of the Agreement and your payment receipt to the email.

Payment method 2 (check): Mail, via CERTIFIED MAIL, a certified check payable to the United States of America marked with Keck’s Repair Inc., and the Docket Number listed below, with a copy of the Agreement to:

U. S. Environmental Protection Agency Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Attn: Docket Number EPA-5-21-CAA-ESA-01

Within 30 days from your receipt of the Agreement, you must email Yarbrough.Cody@epa.gov and Miller.Patrick@epa.gov a scanned copy of the original signed Agreement and proof of payment (meaning, as applicable, a photocopy of the original certified penalty check or confirmation of electronic payment). If you prefer to mail this information via CERTIFIED MAIL, you may contact the EPA at the number listed below to arrange (Note that mailed information must be postmarked within 30 days of your receipt of the Agreement).

If you have any questions or would like to request an extension due to extraordinary circumstances, you may contact Cody Yarbrough at (312) 886-9137 or Patrick Miller at (312) 886-4044. The EPA will consider whether to grant an extension on a case-by-case basis where appropriate justification is provided. The EPA will not accept or approve any Agreement returned more than 30 days after the date of your receipt of the Agreement unless an extension has been granted by the EPA. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations), you must provide such information to the EPA as soon as possible but no later than 30 days from your receipt of the Agreement.

Unless an extension has been granted in writing by the EPA, if you do not sign and return the Agreement with proof of payment of the penalty amount and a report detailing your corrective action(s) within 30 days of your receipt of the Agreement, the Agreement is automatically withdrawn, without prejudice to the EPA’s ability to file an enforcement action for the above or any other violations. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correction of the violations specifically identified in the enclosed Tables. If you choose not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violations and seek penalties of up to \$4,876 per violation pursuant to 40 C.F.R. § 19.4.