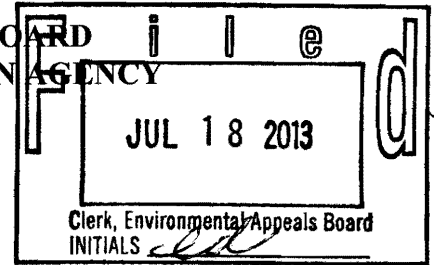


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
))
American Performance)
Technologies, Inc.)
_____))

Docket No. CAA-HQ-2013-7991

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

Date: *July 18, 2013*

Leslye M. Fraser

Leslye M. Fraser
Judge, Environmental Appeals Board

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Leslye M. Fraser, Catherine R. McCabe, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order," in the matter of American Performance Technologies, Inc., Docket No. CAA-HQ-2013-7991, were filed and copies of the same were mailed to the parties as indicated below:

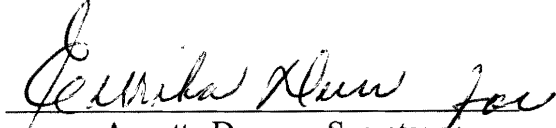
Via Interoffice Mail:

Robert G. Klepp, Acting Chief
Mobile Source Enforcement Branch
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (Mail Code 2242A)
Washington, DC 20460

Via U.S. Certified Mail:

Troy Covey
American Performance Technologies, Inc.
8844 Hillcrest Road
Kansas City, MO 64138-3759

Granta Nakayama
Kirkand & Ellis
655 Fifteenth Street, NW
Washington, DC 20005-5793


Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board

Dated: July 18, 2013