

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1- NEW ENGLAND**

In the Matter of:)
)
APLUS TRUCK SALES, INC.)
)
Respondent.)
_____)

Docket No.
CAA-01-2021-0077

RESPONDENT'S ANSWER TO THE COMPLAINT

And now comes the Respondent, by counsel, Leonard I. Sharon, and answers the Complainant's Complaint as follows:

PRELIMINARY STATEMENT

- 1. Admitted
- 2. Admitted
- 3. Admitted
- 4. Admitted
- 5. Admitted
- 6. Admitted

JURISDICTION

- 7. Admitted
- 8. Admitted
- 9. Admitted
- 10. Admitted

GOVERNING LAW

11. Admitted

12. Admitted

13. Admitted

14. Admitted

15. Admitted

16. Admitted

17. Admitted

18. Admitted

19. Admitted

20. Admitted

21. Admitted

22. Admitted

23. Admitted

GENERAL ALLEGATIONS

Motor Vehicle Emission-Related Elements of Design

24. Admitted

25. Admitted

26. Admitted

27. Admitted

28. Admitted

29. Admitted

30. Admitted
31. Admitted
32. Admitted
33. Admitted
34. Admitted
35. Respondent is without sufficient knowledge of the facts contained in this particular allegation.
36. Respondent is without sufficient knowledge of the facts contained in this particular allegation.
37. Admitted
38. Admitted
39. Admitted
40. Respondent is without sufficient knowledge of the facts contained in this particular allegation.
41. Admitted
42. Admitted
43. Admitted

Investigation of APlus Trucks Sales and Service

44. Admitted
45. Admitted
46. Respondent is without sufficient knowledge of the facts contained in this particular allegation.
47. Admitted

ALLEGED VIOLATIONS

48. Respondents' answers are incorporated herein by reference.

49. Admitted

50. Admitted

51. Admitted

52. Admitted

53. Admitted

54. Admitted

RELIEF SOUGHT: CIVIL PENALTY

55. Admitted

56. Admitted

57. Respondent is without sufficient knowledge of the facts contained in this particular allegation.

58. Admitted that the Complainant has reviewed financial information provided by Respondent. The Respondent admits that the contention of the Complainant is that the proposed penalty will not put the Respondent out of business. However, at this time the Respondent is without sufficient knowledge of what the ultimate penalty might be and that will determine whether they can stay in business any longer.

59. Admitted

RESPONDENT'S CONTENTIONS REGARDING 40 CFR SECTION 22.15 (A)

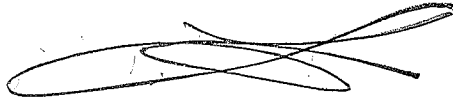
60. Respondent admits that they committed the alleged violations and would stipulate to that fact. The Respondent, however, contend that the proposed penalty is

inappropriate under the facts surrounding this case. The penalty proposed is so excessive in light of the facts contained in the Complaint to amount to excessive punishment under the Eighth Amendment to the United States Constitution which prohibit the Government from imposing penalties which are constitutionally disproportionate.

REQUEST FOR A HEARING

61. Respondent pursuant to 40 CFR Section 22.15 (c) requests a hearing on the issue of the appropriate penalty to be imposed in this matter.

Respectfully submitted,



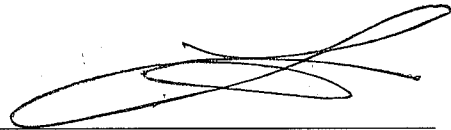
Respondent: _____
Leonard I. Sharon, Esq.
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Phone (dir.): (207) 689-3757

CERTIFICATE OF SERVICE

I, Leonard I. Sharon, Esq., attorney for Respondent, hereby certify that on September 16, 2021 a copy of the *Respondent's Answer to the Complaint* was sent, in PDF format, via e-mail to the Regional Hearing Clerk at R1_Hearing_Clerk_Filings@epa.gov and Santiago.Wanda@epa.gov and to the Complainant's counsel served by PDF format to rivers.tahani@epa.gov and by first class mail, postage prepaid, upon counsel for the Complainant, as indicated below:

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Phone (dir.) (617) 918-1299

Dated at Lewiston, Maine, this 16 day of September, 2021.



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