

FILED

Nov 19, 2025

12:13 pm

U.S. EPA REGION 3
HEARING CLERK

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Dustin Harrison
d/b/a Apex Diesel Performance
12348 Atlantic Road
Atlantic, PA 16111

DOCKET NO.: CAA-03-2026-0003

EXPEDITED SETTLEMENT AGREEMENT

Respondent.

EXPEDITED SETTLEMENT AGREEMENT

1. This Expedited Settlement Agreement (or "Agreement") is entered into by the Acting Director, Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant"), and Mr. Dustin Harrison, d/b/a Apex Diesel Performance ("Respondent"), pursuant to Section 205(c)(1) of the Clean Air Act ("CAA"), as amended, 42 U.S.C § 7524(c)(1), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter pursuant to Section 205(c)(1) of the CAA, 42 U.S.C § 7524(c)(1), and 40 C.F.R. §§ 22.1(a)(2) and 22.4 of the Consolidated Rules of Practice.
3. At all times relevant to this Agreement, Respondent, a Pennsylvania sole proprietorship was, and currently is, a "person" as defined under Section 302(e) of the CAA, 42 U.S.C § 7602(e), and the owner and operator of an automotive service and repair shop located at 12348 Atlantic Road, Atlantic, Pennsylvania 16111 (the "Facility").
4. EPA alleges that Respondent failed to comply with Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), and the implementing regulations found at 40 C.F.R. § 1068.101(b)(1).¹
5. As a result of EPA's investigation, EPA obtained evidence pursuant to its enforcement authority under Section 208(b) of the CAA, 42 U.S.C. § 7542(b), indicating that Respondent tampered with emissions controls on an EPA-certified motor vehicle or motor vehicle engine, by removing or rendering inoperative a device or element of design installed on or in the vehicle in compliance with regulations under Title II of the CAA. Specifically, EPA's investigation revealed that work orders confirmed tampering in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), and the implementing regulations found at 40 C.F.R. § 1068.101(b)(1). Respondent has provided no documented reasonable basis to

conclude that such conduct does not adversely affect emissions.

Table 1: Violation Summary – Installation of Defeat Devices

Invoice No.	Invoice Date	Description	Motor Vehicle Application
Apex 0033	1/4/2021	EZ Lynk turner and tune	2016 F-350
Apex 0034	2/19/2021	EGR Kit	2008 Dodge 4500
Apex 0036	3/4/2021	EGR Kit & CTT EFI Live Tuning	2013 Ram
Apex 0037	3/4/2021	EGR Kit & EZ Lynk tuner	2016 Chevy LML (Silverado HD)
Apex 0038	3/16/2021	EZ Lynk Tuner, CTT tune, and delete pipes	2018 Ram
Apex 0039	4/8/2021	EZ Lynk Tuner, EGR Delete kit, and Exhaust	2019 Ram 3500
Apex 0040	4/20/2021	EGR Delete Kit and CTT Tune	2006/2007 Duramax truck
Apex 0041	6/13/2021	EGR Kit	2017 Ram 3500
Apex 0043	7/15/2021	EGR kit	2016 Ford F-350
Apex 0044	8/11/2021	EGR Kit, Downpipe back exhaust, and EFI Live tuner	2011 LML Pick up
Apex 0045	9/9/2021	EGR Delete Kit and DSP5 Tuning w/ Switch	2007 Duramax truck
Apex 0046	9/27/2021	EGR Block Plate and Single Tow Tune	2006 Ford F-350
Apex 0047	10/5/2021	CSP4 Tuning w/ Switch	2016 Ram 3500
Apex 0048	11/29/2021	Tuning for 6.4 Powerstroke	2008 Ford
Apex 0049	12/14/2021	EGR Kit	2011 Duramax truck
Apex 0050	12/22/2021	EGR Delete Kit	2006/2007 Duramax truck
Apex 0051	1/4/2022	EGR Kit and 100 HPS/mileage tune	2009 GMC 2500
Apex 0052	1/6/2022	EGR Kit and Single 60hp tow tune	2003 Ford F-350
Apex 0053	2/10/2022	60 HP tow tune	2006 Ford F-250
Apex 0054	3/25/2022	60 HP ECM Tune	2011 Ford F-250
Apex 0055	3/30/2022	EZ Lynk Tuner	2017 Ford F-350
Apex 0056	4/14/2022	EGR Delete Kit	2004 Ford F-350
Apex 0057	4/15/2022	CSP4 Tuning/ w Vin License	2015 Ram Truck
Apex 0058	5/5/2022	50 HP Tune 6.7 Ford	2016 Ford F-250
Apex 0059	6/24/2022	EGR Kit and Tow Tune	2006 Ford F-350

Apex 0060	7/15/2022	EZ Lynk Tuning	Ram 6.7 Truck
Apex 0061	7/28/2022	EGR Kit, Flo-Pro 5" exhaust, and 75 HP street tune	2019 Ford F-450
Apex 0062	8/31/2022	EGR Kit	2003 Ford F-350
Apex 0063	11/29/2022	CMF ECU Tune	2019 Ram 2500

6. Respondent certifies that it has not had the same, or closely-related violation(s), that were the subject of an enforcement action under Title II of the CAA within five (5) years of the date of Respondent's execution of this Agreement.
7. EPA and Respondent agree that settlement of this matter for a penalty in the amount of Thirty-Four Thousand, One-hundred and Nine Dollars and Eighty Cents (\$34,109.80) which Respondent shall be liable to pay in accordance with the terms and provisions set forth below, is reasonable in the public interest and is based upon EPA's consideration of the statutory factors set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2).
8. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$ 34,109.80** to **"United States Treasury"** with the case name, address and docket number of this Agreement (CAA-03-2026-0003), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. **However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on Modernizing Payments To and From America's Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA's How to Make a Payment website and will not pay with a paper check.**
9. Within twenty-four (24) hours of making payment, the Respondent shall also send proof of such payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire transfer or of automated clearinghouse transfer) by email to:

Steve Ott (3ED21)
Ott.steven@epa.gov

and

Regional Hearing Clerk (3RC00)
R3_Hearing_Clerk@epa.gov

10. In signing this Agreement, the Respondent:
 - a) admits the jurisdictional allegations set forth in this Agreement;

- b) neither admits nor denies the specific factual allegations set forth in this Agreement, except as provided in the jurisdictional admission above;
 - c) agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement;
 - d) expressly waives its right to a hearing on any issue of law or fact set forth in this Agreement and any right to appeal the accompanying Final Order;
 - e) consents to the issuance of this Agreement and agrees to comply with its terms;
 - f) agrees to bear its own costs and attorney's fees; and
 - g) agrees not to deduct for federal tax purposes the civil penalty assessed in this Agreement.
11. By its signature below, Respondent certifies, that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Agreement are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
12. This Agreement and attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
13. By signing this Agreement, 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 the Agreement.
14. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has

jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.

15. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
16. This Agreement is binding on the parties signing below and is effective upon filing with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice, in accordance with 40 C.F.R. § 22.31(b).
17. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Respondent.
18. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: ott.steven@epa.gov (for Complainant), and sales@apexdiesel.com (for Respondent).
19. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent:

Name: Dustin Harrison

Title: Owner

Signature: _____

Date: 10-7-25

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

ANDREA BAIN Digitally signed by ANDREA BAIN
Date: 2025.11.18 15:03:33 -05'00'

[Digital Signature and Date]

Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

FILED

Nov 19, 2025

12:14 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: Apex Diesel Performance

Docket No. CAA-03-2026-0003

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Dustin Harrison
Apex Diesel Performance
12348 Atlantic Road
Atlantic, PA 16111

DOCKET NO.: CAA-03-2026-0003

EXPEDITED SETTLEMENT AGREEMENT

Respondent.

FINAL ORDER

Complainant, the Acting Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Mr. Dustin Harrison, d/b/a Apex Diesel Performance, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 205(c)(1) of the Clean Air Act ("CAA"), as amended, 42 U.S.C § 7524(c)(1), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **Thirty-Four Thousand, One-hundred and Nine Dollars and Eighty Cents (\$34,109.80)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Title II of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7521 *et seq.*, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

**JEFFREY
NAST**

Digitally signed by
JEFFREY NAST
Date: 2025.11.19
11:46:35 -05'00'

[Digital Signature and Date]

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 3

Philadelphia, Pennsylvania 19103

In the Matter of: :
:
Dustin Harrison :
d/b/a Apex Diesel Performance :
12348 Atlantic Road : U.S. EPA Docket No. CAA-03-2026-0003
Atlantic, Pennsylvania 16111 :
: Proceeding under CAA Section 205(c)(1),
Respondent. : 42 U.S.C. § 7524(c)(1)

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Dustin Harrison, Owner
Apex Diesel Performance
sales@apexdiesel.com
12348 Atlantic Road
Atlantic, Pennsylvania 16111

Robert E. Gandley, J.D.
MacDonald, Illig, Jones & Britton LLP
rgandley@mijb.com
100 State Street
Erie, PA 16507

Steve Ott
Life Scientist
U.S. EPA, Region 3
ott.steven@epa.gov

BEVIN ESPOSITO Digitally signed by BEVIN
ESPOSITO
Date: 2025.11.19 12:15:52 -05'00'

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3