

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-16-8246

Respondent: Liberator Performance, Inc.
1521 Commerce Ave.
Carlisle, PA 17015

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines 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 does not contest the findings detailed therein, and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$3,150, further described in Table 3, attached, incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection and alleged violations 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 Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:



Date: 3/30/2016

Phillip A. Brooks, Director, Air Enforcement Division

APPROVED BY RESPONDENT:

Name (print): 

Title (print): Pres.

Signature: 

Date: 4-12-16

RATIFIED BY EPA:



Date: 5-3-16

Phillip A. Brooks, Director, Air Enforcement Division

Table 1 - Inspection Information	
Entry/Inspection Date(s): August 25, 2014	Docket Number: C A A - 1 6 - 8 2 4 6
Inspection Location: Liberator Performance, Inc.	Entry/Inspection Number(s) 2 0 1 4 0 8 2 5 1 1 0 0 0 0
City: Carlisle	Inspector(s) Name(s): Brent Ruminski Colin Wang
State: PA Zip Code: 17015	EPA Approving Official: Phillip A. Brooks
Respondent: Liberator Performance, Inc.	EPA Enforcement Contact: Lauren Tozzi, Attorney-Advisor, (202) 564-4904 Tony Miller, Chemical Engineer, (303) 312-7161

Table 2 - Description of Violations and Vehicles/Engines				
<p>On August 25, 2014, authorized inspectors found that Liberator Performance, Inc. (Liberator) possessed one (1) vehicle that had been tampered by Liberator. It is a violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), for any person to tamper with the emission control system of an EPA certified engine rendering it non-compliant either by removing, bypassing, or rendering inoperative a certified device or element of design. The EPA has determined that the one (1) vehicle described below was altered in violation of Title II of the Clean Air Act (CAA). The EPA has determined Liberator has committed three (3) violations of CAA § 203(a)(3), 42 U.S.C. § 7522(a)(3). These violations include removing the exhaust gas recirculation system, and rendering inoperative on-board diagnostics and catalysts systems.</p>				
Description of Vehicles/Engines	Engine Manufacturer	Engine Family	VIN Number	Violations
Heavy Duty Diesel Motor Vehicle	Navistar	5NVXH06.0AEC	1FTWW31P35EB48059	3

Table 3 - Penalty and Required Remediation	
Penalty	\$ 3,150
Required Remediation	In addition to paying the monetary penalty, Liberator Performance, Inc. must cease and refrain from installing, purchasing, and selling, any device that interferes, defeats, or otherwise renders inoperative the emission control system of any engine regulated by the EPA. If the vehicle referenced above is still under control by Liberator Performance or an employee, Liberator Performance must return the engine referenced above back to original, certified configuration.

1521 Commerce Ave.
Carlisle, PA 17015
EIN# 25-1873415

LIBERATOR PERFORMANCE

Ph 717-249-4001
Fax 717-249-2042

APRIL 12TH 2016

US ENVIRONMENTAL PROTECTION AGENCY FINES & PENALTIES
CINCINNATI FINANCE CENTER
ST LOUIS MO 63197-9000

ATTN:CAA-15-8246

VEHICLE W/VIN#1FTWW31P35EB48059, REGISTERED TO LIBERATOR PERFORMANCE SALES & SERVICE
INC IS NOW BACK TO ORIGINAL CERTIFIED CONFIGURATION.

A handwritten signature in black ink, appearing to read 'Shawn', is written over the text 'THANKING YOU IN ADVANCE'.

THANKING YOU IN ADVANCE