

Enclosure

CLEAN AIR ACT VEHICLE AND ENGINE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO.06-2021-3308

Respondent: Tommy P. Tuttle
Tuttle & Tuttle Trucking, Inc.
3672 US-67
Cleburne, Texas 76033

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 investigation(s) 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.

1. 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, pursuant to CAA Section 205(c)(1), 42 U.S.C. § 7524(c)(1), 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.
2. Respondent certifies that payment of the penalty has been made in the amount of \$13,975.10. 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.
3. By its first signature below, EPA approves the findings resulting from the investigation(s) and alleged violation(s) set forth in Table 1 and Table 2. Upon signing and returning this Agreement to 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.
4. The parties' consent to service of this Agreement by electronic delivery at the Respondent's e-mail noted below.

APPROVED BY EPA:

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: cn=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER,
g 9 2342.19200300.100.1.1=68001003651793
Date: 2020.12.02 15:11:48 -0500

Date: December 2, 2020

Cheryl T. Seager, Director, Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Tommy Paul Tuttle

Title (print): President

Email (print): paul@TuttleandTuttle.com

Signature: Tommy Paul Tuttle

Date: 12-07-2020

RATIFIED BY EPA:

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
DN: cn=US, o=U.S. Government, ou=Environmental Protection Agency, cn=CHERYL SEAGER,
g 9 2342.19200300.100.1.1=68001003651793
Date: 2021.01.04 10:42:53 -0500

Date: 01/04/2021

Cheryl T. Seager, Director, Enforcement and Compliance Assurance Division

Table 1 - Information Collection

Date(s) Information Collected:		Docket Number:	
June 04, 2020		0 6 - 2 0 2 1 - 3 3 0 8	
Respondent Location:			
3672 US-67			
City:		Inspector(s) Name(s):	
Cleburne		Aimee Boss	
State: Zip Code:		EPA Approving Official:	
TX	76033	Cheryl Seager	
Respondent:		EPA Enforcement Contact(s):	
Tutle & Tutle Trucking, Inc.		Aimee Boss, Enforcement Officer (214) 665-7397 Alex Roland, Enforcement Attorney (214) 665-2753	

Table 2 - Description of Violations and Vehicles/Engines

EPA obtained evidence that Tutle & Tutle Trucking, Inc. (Respondent) tampered with the vehicle(s)/engine(s) listed below. EPA obtained evidence that Respondent installed defeat devices, products listed below which render inoperative emission control systems on EPA-certified motor vehicles. 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 device intended for use with EPA-certified motor vehicles and engines. Based on information summarized below, EPA finds that Respondent has committed 6 violations of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3).

Tampered Motor Vehicle/Engine Violations

Tampering Date(s)	Model Year	Make	Model	VIN	Tampered Emission Parts or Components
7/16/2019	2018	567 Peterbilt Cummings	ISX 430-620 hp	1XPCD49X5KD4997 84	Removal of DPF/SCR/DOC
7/16/2019	2018	567 Peterbilt Cummings	ISX 430-620 hp	1XPCD49X5KD4997 84	ECM Reflash
7/16/2019	2018	567 Peterbilt Cummings	ISX 430-620 hp	1XPCD49X5KD4997 85	Removal of DPF/SCR/DOC
7/16/2019	2018	567 Peterbilt Cummings	ISX 430-620 hp	1XPCD49X5KD4997 85	ECM Reflash
8/16/2016	2013	389 Peterbilt Paccar	MX13	1XPWDP9X9DD169 583	Removal of DPF

Defeat Device Violation

Defeat Device Description	Make	Invoice #	Quantity	Sold, installed, and/or offered for sale?	Date
Custom ECM Tune	389 Peterbilt Paccar MX13	CW01024 2	1	1XPWDP9X9DD169 583	8/16/2016

Table 3 - Penalty and Required Remediation

Penalty	\$13,975.10
Required Remediation	In addition to paying the monetary penalty, Respondent must ensure compliance by completing the corrective actions outlined in "CAA Vehicle and Engine Expedited Settlement Agreement Instructions." Respondent must cease and refrain from selling or installing any device that defeats, bypasses, or otherwise renders inoperative an emission component of any motor vehicle or engine regulated by EPA. Respondent must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and engines. Respondent acknowledges receipt of the Compliance Plan attached as Appendix A.