

Enclosure

CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO. CAA-09-7900

Respondent: Don Patton
Keller Tire & Service Center
248 Keller Parkway
Keller, TX 76248

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered during 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 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 EPA's jurisdiction.
3. Respondent consents to the payment of the penalty in the amount specified in Table 3, attached, incorporated into the 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, EPA approves the inspection findings and alleged violations set forth in Table 1 and Table 2. Upon signing and returning this Expedited Settlement Agreement to EPA, Respondent consents to EPA's approval of the Expedited Settlement without further notice. Respondent acknowledges that this Expedited Settlement Agreement is binding on the parties signing below, and becomes effective upon the date ratified by the EPA Air Enforcement Division Director.

APPROVED BY EPA:


Pamela J. Mazakas, Acting Director, Air Enforcement Division

Date: 10/8/09

APPROVED BY RESPONDENT:

Name (print): Don Patton

Title (print): PRESIDENT

Signature: Don Patton

RATIFIED BY EPA:


Pamela J. Mazakas, Acting Director, Air Enforcement Division

NOV 20 2009
Date: _____

Table 1 - Inspection Information

| | | | |
|---------------------------------|------------------|-----------------------------------|--|
| Entry/Inspection Date(s) | | Docket Number: | |
| September 18, 2008 | | C A A - 0 9 - 7 9 0 0 | |
| Inspection Location | | Entry/Inspection Number(s) | |
| Keller Tire & Service Center | | B 4 0 9 1 8 0 8 1 0 3 0 | |
| Address | | | |
| 248 Keller Parkway | | | |
| City: | | Inspector(s) Name(s): | |
| Keller | | Webster Roberts and Robert Hayes | |
| State: | Zip Code: | EPA Approving Official: | |
| TX | 76248 | Pamela J. Mazakas | |
| Respondent: | | EPA Enforcement Contact: | |
| Don Patton, Owner | | Jocelyn Adair 564-1011 | |

Table 2 - Description of Violation and Vehicles/Engines

Keller Tire & Service Center installed an aftermarket catalytic converter on a 2002 Volkswagen Jetta that was still under the Volkswagen emissions warranty. The aftermarket catalytic converter was not equivalent to the original manufacturer's converter and furthermore the installation did not comply with EPA's policy for "Sale and Use of Aftermarket Catalytic Converters", which disallows use of aftermarket catalytic converters within the emissions warranty period. As a result, the company is liable for 1 violation of Section 203(a)(3) of the Clean Air Act, 42 U.S.C. § 7522(a)(3).

| Equipment Description | VIN | Manufacturer | Model Year | Quantity |
|-----------------------|-------------------|--------------|------------|----------|
| Vehicle model Jetta | 3VWSE69M72M025042 | Volkswagen | 2002 | 1 |

Table 3 - Penalty and Required Remediation

| | |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Penalty | \$2200 |
| Required Remediation | If the listed vehicle is still in the U.S., Canada, or Mexico, remediation is to notify the owner and offer to restore the vehicle to the certified condition at no cost to the owner. This means replacement of the aftermarket catalytic converter with an original Volkswagen catalytic converter. The respondent must provide EPA with a report and documentation (such as photos and an invoice complete with the customer name, address, vehicle VIN, vehicle model information, and description of work performed) proving that the remediation has occurred. |